AMERICA AND BRITAIN

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AMERICA'S ENTRY INTO THE WAR

AMERICA AND BRITAIN

BY

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PREFACE

Of the papers here printed, four were originally given as lectures at the University of London in May, 1918. The first was also given, with some slight modifications and additions, to a number of audiences in the United Kingdom, generally under University or College auspices. The fifth paper was read before the Royal Historical Society and has already been printed in the *American Political Science Review*. I have consented to the publication of the lectures with some misgivings, my chief reason for hesitation being an appreciation of the fact that lectures are not essays; they are prepared to be spoken and, if put into print, may well appear quite different in tone and temper and even character. Especially is this likely to be the case when lectures are thought to be adapted to a special occasion and a particular audience.

It is, however, too late to repent the decision to print, and they are here presented with the hope that they may be of some slight service in helping to strengthen the good feeling and

sense of comradeship between the British and the American people.

As an admirer of Great Britain, I have felt free to speak quite openly and have not allowed myself merely to indulge in pleasantries and oratorical adulation. I have referred without reserve to the prejudices and misunderstandings of the past, which we hope are now laid definitely aside, and I have not shrunk from giving my own opinion of Britain's errors. If I seem to dwell on them too much, it is because I have desired not to give the appearance of avoiding disagreeable truths or what, at least, I deem to be truths. It is a privilege to speak in a frank and friendly way to a tolerant and kindly people.

The article called the "Background of American Federalism" may be of interest at the present time when so many persons in Britain are discussing federalism, and if correct in its analysis of the disputes of the American Revolution—as I am confident after many years of study it is—it discloses, not only that the old British Empire is the source of the central principle of federalism, but also that the political problem now holding the attention of British students and men of affairs is in its essence of very long standing.

In various places, I mention what I believe

to be the wholesome and beneficent effect of liberalism. It is doubtless unnecessary to say that I have no party principles in mind and no party differences. I mean only those general sentiments and convictions and that faith and confidence in the rights and character of the main body of the people, which constitute the foundation of the British and American political structures, and which, lived up to with some considerable conscientiousness in domestic politics, have necessarily affected imperial administration and policy and also created a point of view and a fixed principle of guidance for dealing with the perplexities of international relationships and responsibilities.

I must acknowledge my great indebtedness to *The Monroe Doctrine: an Interpretation,* by Professor A. B. Hart. The careful collection of excerpts from state papers and the writings of American statesmen was of considerable service to me in the preparation of the lecture on the Monroe Doctrine.

ANDREW C. MCLAUGHLIN.

Chicago, September, 1918.

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TO THE MEMORY OF

CAPTAIN ROWLAND H. McLAUGHLIN

WHO GAVE HIS LIFE FOR THE PRINCIPLES
OF JUSTICE AND HONOR AMONG NATIONS

AT THE MEUSE
OCTOBER THE FOURTEENTH
NINETEEN HUNDRED AND EIGHTEEN

AMERICA AND BRITAIN

I now see that more than patriotism is necessary.

Edith Cavell.

You cannot be truly free, unless we are free too; for such is the nature of things, that he, who entrenches on the liberty of others, is the first to lose his own and become a slave.

John Milton, in *The Second Defence of the People of England,* addressing Cromwell.

(We may invert the above declaration of Milton and say: We cannot be truly free, unless you are free too; for such is the nature of things, that he, who loses his own liberty, is the first to entrench on the liberty of others.

The message of the Allies to Germany.)

The destruction of Old England would hurt me. I wish it well; it afforded my ancestors an asylum from persecution.

John Jay to Gouverneur Morris, 1778.

"It is a remembrance of mine, now hard to realize, that I was brought up to abhor the memory of George III." At this she smiled and answered, "That was very unjust, for I was brought up to adore the memory of George Washington."

Conversation between Andrew D. White and the Empress Frederick, the daughter of Queen Victoria and the great-granddaughter of George III. Reported in the *Autobiography* of Andrew D. White.

AMERICA'S ENTRY INTO THE WAR: AN HISTORICAL STATEMENT[1]

An audience of intelligent and well-read British people is well aware of the fact that America long held aloof from the complications of European politics, but it is not altogether easy to comprehend how remote were the diplomatic controversies of this side of the ocean. Even the intellectual classes discussed such questions seldom, and when the subject was discussed the matter appeared distant and devoid of immediate interest; it was impersonal and bookish. Only those that had traveled in Europe had much notion of the tension existing on the Continent, and only keen observers discovered that, for it was not to be seen on a hurried holiday trip through the art galleries of the Old World. We had little or no knowledge of the ever-vexed Balkans, and had cyclopædic ignorance of the Eastern question. Individually we may have had our sympathies and our mild antip-

[1] A lecture delivered at University College, London, on May 7th, 1918, with the Rt. Hon. A. J. Balfour in the chair.

athies, but as a people we were unsuspicious, guileless, and unsophisticated. Some of these attributes may appear to be inapplicable, for you may know that in Governmental matters we have sometimes been sharp, perhaps I should say aggressive, but, on the whole, as a people we live in an air of toleration.

I trust that the Italian historian was in part wrong when he contrasted Europe with America, saying that Europe was clouded with hate and America brightened by friendliness; but I am confident that we as a nation were free from mean suspicions and lived in an atmosphere of good nature. This good nature is not necessarily temperamental. We are not good-natured now—we are ugly. Our good-naturedness was in large measure the product of ignorance, of absorption in our own affairs, and of intense interest in the game of business, in the task of social betterment, and in political controversy. Foreign affairs touched us only slightly. Moreover, we were a composite people, priding ourselves on our capacity to accept and to make our own the peoples of many nations. We watched, those of us that had intellectual interest in national development, the steady stream of immigrants pouring into the land, and though we often had misgivings we

were generally carried along by characteristic optimism, and by a wholesome faith in the power of American ideals to make over the newcomers into citizens feeling and thinking as the rest of us did. Prejudices and dislikes and suspicions of alien peoples were, therefore, foreign to us; we did not reason about it, or ponder the problem particularly, we simply moved along unaware of danger and without feeling. Many of you will say to yourselves: "Much of this is also true of Britain; we have not nursed hatred or encouraged suspicion of other nations; we, too, have been friendly and open-minded." If you are saying so, you are doubtless speaking the truth. Certainly in America we were quite unprepared for an appreciation of the psychology of Germany, for any understanding of that mean jealousy, the petty and gross intolerance, the suspicions and sly intrigue which we have at last come to know so well.

For a hundred years and more America has been free from the entanglements of European politics. We appeared to have but one principle of foreign politics, and that was to mind our own business and to let Europe alone. Occasionally we were reminded that America had become a world-power, but most of us smiled

at the expression, thinking we had been a world-power for a century or more, and not believing that we were called upon to abandon our old policy of isolation or be caught up in the tangled skein of Europe. We had one fixed policy, the Monroe Doctrine, which meant what it might mean—for it was a perfect chameleon among doctrines—but, conveniently adaptable to exigencies of international affairs in the Western hemisphere, it was rigid in its application to Europe. America, for her own safety, for her own interest, was to lead her own life, and follow her own courses. This policy, if policy it may be called, for it is, after all, rather a feeling, a sentiment, and a tradition than a policy, may appear to you narrow and provincial, the child of selfishness and of ignorance. Well, I am not here to defend or apologize; I can only say that conditions are much as I have described them; and, again, you may possibly say that you, too, in the care of your vast Empire, would have been quite content to be left alone; you would have been more than satisfied, most of you, if you could have believed that you could go on quite freely to do your best with your own problems without fear of molestation or interference from some jealous outsider.

The Monroe Doctrine is defended by practically all American students of history for what it has accomplished, but, right or wrong, it was popularly held and supported; it is practically the only policy of State which we have ever had, and which through the whole of our national existence has maintained itself and strangely persisted despite the developments of modern history, despite the fact that the ocean had become a highway and not a barrier, despite the strength of commercial and intellectual bonds connecting us with Europe, despite the growth of democracy over here and the extension of those principles of popular government which at one time we justly thought were our peculiar possession. But deeper, more far-reaching than a policy of State embalmed in a phrase was the strength of tradition, our one tradition, and deeper still a sentiment, a feeling, an attitude of mind, a sense that we were to move along fulfilling as best we might our own destiny, and carrying our burdens as steadily as our own strength permitted.

To-day America is stirred as it never has been before; not even in the days of our own Civil War, I think, was feeling more intense or thought more bitter. We know that America has been called to its own, called to give proof

on the field of battle that it values honor and liberty and truth and fair dealing more than life. We are not ignobly striving for profit or territorial aggrandizement; we have no hidden purpose in our detestation of the forces which have plunged the world into the misery of unspeakable sorrow and desolation. But this I must say—and I believe I speak truthfully and with some slight knowledge—you and I should err if we did not see how difficult it was to reach the conviction that a European struggle was ours also; how difficult, how extremely difficult, to uproot those habits of thought which I believe I have not described too strongly. No one can be sure how thoroughly hereafter we shall participate in world affairs. I know not what to say, or how to express the contradictory impressions that come to me. I am confident of intense earnestness, of a profound feeling of duty, of pride in the leadership of a great American, whose vision is wide and whose love of humanity is strong. I am confident of deep and vivid sympathy for the unhappy Belgians to whom we have given food and care and money. We have admiration for brave, sorrow-stricken France and for the quiet, masterful strength of Britain, by whose side we gladly fight. But I cannot be sure that we have alto-

gether cast aside old supports or barriers, or that we have reached a stage where we can think internationally. It may be, we do not know, it may be that the old days of isolation are gone; it may be that we are henceforth to play a conspicuous rôle in the affairs of the world. To me that appears inevitable. Isolation conflicts with realities of modern life too strongly, our duty is too clear, your hopes for civilization and peace are too nearly identical with ours, the world is too nearly one organic whole, the needs of humanity are too pressing to allow a nation like America to live its own life heedless and unmindful of responsibility for affairs beyond its borders; and so we may expect intelligent and, I hope, high-minded and generous participation of America in world affairs; but no one can be sure just how thoroughly we have cast aside our old habits.

From describing the American attitude towards foreign affairs before the war I have passed on to a consideration of the present and the future, for already the past seems long past, and the present holds us in its grasp. I must endeavor, however, for the time, at least, to keep my mind within those early trying and soul-harrowing years when we were amazed, distracted, doubtful, full of newly awakened in-

terest and newly aroused foreboding, stirred with sympathy and with hitherto unfelt passions, groping amid new scenes, learning new enmities, finding that we were in the presence of a dark, unseemly force that most of us had not dreamed of, holding fast, over-stubbornly, it may be, but holding still to what we were or had been, believing or trying to believe, or struggling out of the belief, that this war was not our war, turning over in our minds the responsibility involved in calling 100,000,000 peaceful people to arms, obtaining ourselves or hoping that the man on the street was getting a wider outlook on the whole world wherein he might see that patriotism is not enough—see narrow-souled patriotism exalting its own *Kultur* and beating down the life and hope of a wider humanity. From what I have already said it will be plain that a mental change and a sentimental change had to come before this wider outlook could be had; knowledge had to be gathered and new interests had to be created.

If I have been rightly informed, British notions of the American population are in danger of falling into one of two opposite errors. On the one side is the belief that we are a British people who a hundred years or more ago broke

away from Britain, and are still in all essentials British to the core. On the other side is the belief that British stock has been entirely submerged and that the land is filled with a myriad of men of different races but slightly affected by the culture and mental habits of the Mother Country. No one can with perfect precision describe the American people, certainly not in a few words, but it can be said with considerable positiveness that we are neither one thing nor the other. Even of the eighteenth century it could truthfully be said that not England but Europe was the Mother of America. The flood of emigrants that have come in the past fifty years in constantly increasing numbers has filled our land with millions of persons whose traditions are not British. A considerable portion of these persons have become Americanized, their children have learned the English language, and have been absorbed into our life. In 1910 the foreign white stock amounted to about one-third of the total population, 32,000,000 people. By foreign white stock I mean persons born in Europe or the children of foreign born. Of these 8,000,000 were German, though these figures do not include Austrian Germans; 2,500,000 were German born. In recent years there has been an

influx of Russians, mostly Russian Jews, and also many Italians, with not a few Greeks. How far had these people, even those that had been in the land a decade or two, been actually absorbed? I cannot answer, but there are one or two things I can say with some assurance. Most of these people were proud of American citizenship, most of them felt that they had cast the past aside, many of them showed an appreciation for the elemental ideals of American life. And this leads me to a consideration of the other belief that some of you may hold, that this flood has submerged the old British stock. Here, again, the whole truth is illusive, but the main outstanding fact is, in my judgment, the astonishing vigor of Anglo-Saxon life. Nothing is to me, as I study American history and American conditions, more impressive than the force of the essentials of Anglo-American civilization. The influences of language, of literature, of law have exerted and will continue to exert steady pressure, and the resulting civilization will be largely identical with your own. After all, there is something compelling in the principles of individual liberty, in those principles of political thought and action which America inherited from Britain.

We have no conscious desire to counteract the

qualities brought to our shores by the men from the European Continent. When in the past we have spoken of the immigration problem, and realized the difficulties, we have not said: "Can these people be inoculated with the qualities of Anglo-Saxonism, can they be brought under the sway of the old British stock?" We have said: "Can we be sure that these people will become American, patriotic, and law-abiding? Will they accept what, even in these latter days, we call the ideals of American citizenship?" And it must be remembered that one of those ideals was hospitality, opportunity for the man of the Old World to start over again on our shores, and to go on and up with us. We have had no desire, and we have now no desire, to influence these people to any fixed standards of racial life.

I am discussing this subject only to show you certain elementary factors in a complicated situation. My intention is not to impugn the patriotism or the civic virtues of the recent immigrants; but it must be plain that among them sympathy for Britain would play no part, there would be no instinctive response to the needs of any foreign country, save the one or the other with which they were racially connected, and perhaps not with that. Many of these persons

left the Old World to escape its military burdens. My object, let me repeat, is not to complain of the attitude of these millions, nor, on the other hand, to praise or defend them. To me the striking fact is this, that the vast majority were prepared, when the time came, to follow the flag of the United States, quietly to take up the load of war, and to walk forward with no other thought than patriotic devotion to the country of their adoption and the principles which they knew you as well as we were fighting for.

There is one other thought which I must offer, a simple one, but of real significance. The war was far away. I have emphasized our detachment and our seclusion from the political affairs of Europe, but I am speaking now only of the difficulty with which incidents are made real by the imagination, if those incidents are three or four thousand miles distant. You will say, perchance, that distance did not cloud the mind of the Australian or the South African. All the more honor to them. But, again, and I speak solely of facts as I see them, it was hard, very hard, for the average man in a prairie town of the Mississippi Valley to feel the actuality of the stories told him in his weekly paper. Such men as I have in mind are not un-

intelligent, they are not hopelessly narrow and dull. But they did not instinctively realize that this was their war. The reason will be given by any tyro in psychology: the war lacked immediateness.

If any considerable portion of what I have said is true, then time was necessary to awaken new ideas and to get new points of view. Passions, I know, for which there has been emotional preparation, can quickly sweep across the Continent, but, while we are a sensitive people, and react quickly to certain elements, it is just impossible for a wave of impulse to pass from one side of the land to the other, unless by our previous history the brain-tracts have been developed through thought and experience. Of course, that is true of all peoples. The Germans flew to arms, flung themselves into war, because their minds had been dwelling on war, and because of the psychological effects of militarism. But America was in its essence a country of peace; men's minds needed to be wrenched from their moorings, or shunted on to new lines altogether, before they could even conceive of the barbarity of war.

Our population also lacked homogeneity, and you cannot by a single spark send a fire of passion through 100,000,000 men not in psychologi-

cal contact. Plainly, then, the American people required time to learn, time to become homogeneous in their attitude towards the great question of the war. I am not contending that we ought not to have gone to war earlier; I am trying to be detached, unargumentative.

If you still ask why the common man did not more quickly grasp the complexities of the European conflict, I ask you in turn to let your mind wander from New York, with its million of foreign-born citizens, its great wealth, and its vast material splendor, prosperity, and poverty, onward across the Continent, over the Appalachians, across the prairies dotted with innumerable farmhouses and villages and populous towns, onwards to California and the Pacific, three thousand miles away, or down through the cotton-raising South and up to the wheat regions of Minnesota and the Dakotas, then over the iron and copper regions of Michigan. Face the difficulty of actually reproducing in your own mind the conditions of life, the spirit and the temper of that vast region, and if you do, you will appreciate the task we had in visualizing Europe, and you will possibly be astonished, as I sometimes am, not that we moved slowly, but that finally, little by little, step by step, we came to feel as a nation and

as a single whole to see the thing in all its naked and vulgar ugliness, this thing with which we had to fight, in defense of civilization, and the elementary principles of decency and manly justice.

What were the American sympathies in the earlier months of the war? You can probably answer that yourselves. In many quarters there was intuition and instantaneous sympathy for the Allied cause. Many of us, ignorant as we were, had learned something of German military ambition. Some of us had knowledge of German arrogance. Some of us realized that a War Lord reigned in Berlin, and we had long believed that his great military establishment menaced the peace of Europe. Such persons reacted to the side of Britain and France almost at the very beginning—strongly, as soon as they saw the facts—but I venture to say that if there was hesitation in reaching definite conclusions no one who has read the history of modern diplomacy will altogether blame the hesitant. But soon came the British Blue Book, with the dispatches of your Foreign Office; the thing we wanted to know was: Who began this war? We wanted to know authoritatively, documentarily, unequivocally—and we found out. We discovered the truth we were seeking, in part

from the British Blue Book; and its revelations were considerately confirmed by the German White Book. This German volume is the most important document of the war: a revelation of military arrogance, of haughty intolerance. It was convincing even more by what it omitted than by what it contained; for if the old adage was ever true it was true of this particular volume. The suppression of the truth is the confession of falsehood.

What I am now saying must appear to you like lines from ancient history, and for that matter so does it to me. But I need to recall for historical accuracy the painful interest with which we turned the leaves of the Blue and White and Gray Books as they came to hand, and how those of us having access to their pages were enlightened in our sympathies and steeled in our repugnance to the methods of autocratic militarism. The story of the scrap of paper set America to thinking hard. Never did the carrying power of a phrase more clearly manifest itself. Then for some months we studied and discussed the invasion of Belgium, and began to gather in the tales of German atrocities, at first with incredulity, but with steadily growing amazement and indignation. Doubtless you passed through the same mental experiences

yourselves. Can one be ashamed of his unwillingness to believe that a nation calling itself civilized could be guilty of the cruelty practised by the German Army in Belgium? In our case, as perhaps in yours, it was only after the publication of the Bryce Report with the accompanying documents that we saw the reality and believed the unbelievable. We discovered, then, what militarism meant in its final qualities—militarism which inculcated devastation and terrorism as a portion of definite military policy. Belgium settled the sympathies of the great mass of the people of America. We saw the whole horrible thing was premeditated, planned with cold, calculating, repulsive German efficiency. We realized that mobilization plans are not formed in a moment, or strategic railways laid down in a night; we realized that *Realpolitik*—the very word a reproach—included deceit as well as barbarity. Even in these days of misgiving and distress we may take some comfort possibly in believing that international bullying, *Machtpolitik,* was shattered when it shocked the conscience of the world. John Bright, I believe it was, said that the only value of war is to teach geography; but this war taught a language. We learned what *Schrecklichkeit* means; and we discovered

that terrorism is involved in the whole philosophy of war when it is carried out with relentless thoroughness and with logical disregard for the ordinary promptings of compassion.

German propagandists early began to cultivate American opinion. I do not know what effect missionaries of *Kultur* like Herr Dernburg made on the popular mind. On the whole I imagine Herr Dernburg himself believes today that he did more harm than good. Certainly more harm if he succeeded in arousing the passion and increasing the prejudices of German-Americans, and certainly harm for the German cause if he awakened resentment in the hearts of such simple-minded Americans as were aware of his purposes. The great body of the American people were not hoodwinked by the German propagandists. A famous American said early in the war that he had been asked by British friends whether it would be well to send material to America to win the people to the cause of the Allies, and he replied: "I do not think it is at all necessary, the American people at large have a good deal of sense, when all is said, and, if their good sense fails, the German Ambassador will help them to appreciate the rectitude of the Allied position."

The attempts of German propagandists to

justify the invasion showed an astonishing inability or unwillingness to make frank use of public documentary material. Documents found in the Belgian archives showed that some years ago an English military officer and a Belgian official had consulted together as to what steps England should take in case Germany invaded Belgium. After Germany had done the very thing which England and Belgium had feared, German propagandists tried to justify her by declaring that Belgium was considering means of preventing it. The use made of the documents actually affronted our intelligence and added to our distrust.

You are about to ask me why America did not plunge into the war or immediately prepare for the conflict, just as soon as the enormity of Prussian deceit and cruelty was realized. Again, I cannot tell you, and again I refrain from speaking apologetically or in condemnation. I can only say that a very few, a very limited number, in my judgment, believed by the early spring of 1915 that this war was our war in the sense that we should enter. After all, did a nation ever before in the world's history enter a conflict only because it loathed the principles and despised the conduct of another nation, solely because of moral indigna-

tion, or have nations been led into war by ministers or rulers, or for some evident material gain? My historical information may be insufficient, but, as I see it, the nearest approach to such altruistic conduct was when you yourselves entered this war and sent over your famous little army to win imperishable glory and to die on the field of honor at Mons. Pray do not accuse me of dealing in smart retort. You are no stronger defender of British honor, courage, and high-mindedness than I am. I claim at such a time as this and in this presence no indulgence as an ignorant outsider. But am I not right in thinking that your interests in some respects coincided or appeared to coincide with duty and your honor? If you answer no, that you offered all for humanity, I shall not deny you. I am not wrong, however, I think, in attributing to Mr. Balfour himself the remark, when we did enter the war, that it was the most magnanimous and generous act in history.

May I give one more answer to why we did not enter the war as soon as *Machtpolitik* was revealed in all its hideousness—an answer, I mean, not already suggested by the earlier portions of my remarks in which I attempted to portray American psychological condition? The answer is this: a great many persons were

strengthened in their antipathy to war. Instead of making men more warlike the struggle in Europe made them more determined to keep the peace. We clung to an ideal not totally foolish, though time proved it to be vain. We believed that the stricken world might actually be benefited if one great nation should keep out of the struggle. We thought, not stupidly, though wrongly, that the spectacle of a nation's standing almost unarmed and totally unafraid might be of some service in ushering in the day of peace and of reconciliation.

Of one thing I can speak with much confidence—and in such a complicated matter it is comforting to have one sure piece of solid ground to stand upon—the financial gain from neutrality entered into our calculations not with the weight of a farthing. Profits from munition-making or from trade influenced the general sense of the country not one iota. At no time did we measure our duty or our interest in dollars and cents or scan with mean avidity the pages of our ledgers. Occasionally, it is true, one heard of the advantages offered by the war for increasing our trade with South America; but here again in no appreciable degree did this enter into our calculations or sear our consciences.

Shall I say a word about the *Lusitania,* about that shameful, premeditated, advertised, and dastardly crime? It is difficult even now to speak about it with calmness, and there is no reason why one should. You know, of course, of President Wilson's messages, and you know that here and in America as well there was some sharp criticism because he did not follow his words with immediate and energetic action. There are many to-day who believe that, if he had then spoken the word, America would have sprung to arms, that the masses of the people were waiting for the word. Well, who can tell? I think myself that even then, in the spring of 1915, the people were not ready. Some believed, or strove to believe, that we had no right to furnish munitions to the Allies; many had not yet fully realized the enormity of Germany's criminality. Only, I repeat, only by a partial understanding of the America I have sought to describe to you can one see the difficulty of arousing the people to war. America is a democratic country; the people do not blindly follow leadership or accept opinions from others. If the President had taken a false step, he would have lost his powers of guidance, and, moreover, though many were bitter and all were unhappy, the masses of sensible, sober people, un-

learned in matters of international law, did not readily see how totally illegal and totally brutal was the attack on unoffending travelers and noncombatants. Moreover—and here is the most crucial but more illusive and intangible thing—the nation, in its very reluctance to act, in its readiness to wait, in its willingness to accept affront and injury, showed certain qualities of intelligent patience, a certain obstinate love of peace, a certain over-indulgence in the desire to be fair-minded. It was one of those maddening and inhibiting contradictions such as illuminate and darken the course of history—idealism and rectitude of purpose standing in some measure in their own light.

All through those years we hoped, as probably the President did, that we could save the shattered fabric of international law by protest and expostulation. That appeared the chiefest duty of a neutral nation; that duty might justify the retention of neutrality even when we ourselves were suffering injury at the hands of the belligerents. That duty possibly justified even our complaints of the British blockade, which, I think it must be confessed, constituted at least an unexpected expansion of the legal privileges of a belligerent. Of course, as we now see, words could have no effect on a German Gov-

ernment bent on beating down all opposition and on setting up its appetite as the central principle of international law; but I cannot help thinking there was at least some evidence of character and considerable right-mindedness in our hope that argument and stern rebuke would save something from the wreckage.

After the *Sussex* affair, in the summer of 1916, our relations with the German Government were again greatly strained, but President Wilson succeeded in getting a promise that merchantmen should not be sunk without warning and without saving lives, unless the vessel should resist or attempt to escape. This promise was coupled with a condition that we should compel Great Britain to surrender what Berlin asserted to be an illegal blockade. Remembering, possibly, the net into which Napoleon enticed James Madison about 107 years ago, our Government did not accept the condition, but warned Germany that her obligations were "individual, not joint, absolute, and not relative." We rested easier; but we now realize that this willingness to forego the sinking of peaceful vessels and the taking of lives can be accounted for by the fact that the old U-boats were being destroyed and the Teutonic Powers did not then have in readiness the large and improved mon-

sters of the deep with which to carry on the work of destruction. Conditions were bad enough during the later half of 1916, but with the beginning of the new year ruthless warfare was openly and brazenly instituted. With the announcement that no warning would be given when ships were sunk within a war zone (1917), cutting off nearly the whole coast of Western Europe, President Wilson sent the German Ambassador home, and war seemed inevitable. One of the astounding revelations of the political methods of the German Foreign Office was the announcement, made by the Chancellor to the Reichstag and the German people, that President Wilson had broken off diplomatic relations abruptly, although the step was taken eighteen months or more after the exchange of dispatches on the *Lusitania* crime, and half a year after the exchange of notes about the *Sussex.*

Why did President Wilson, after long effort to maintain neutrality and even to hasten the coming of peace, finally advocate war? Before attempting to answer this question let us recall the President's efforts to bring the conflicting nations to a statement of their terms, and to hold out to the world the conception of the establishment of permanent peace. The Presi-

dent's message on this subject came out almost simultaneously with Germany's proposal in which she suggested peace on the basis of an assumed victory for her army. Such a peace the Allied nations could not accept without accepting militarism, without losing the all-important objects for which millions of men had already given their lives; and probably most of us in America believed that such proposals were put forth chiefly to make the German people think that the Allies were the aggressors, and must bear the odium of further conflict. When the President called on the warring nations to state their terms, possibly he still cherished the hope that, if terms were frankly stated, negotiations might actually be begun; almost certainly he desired such open statement as would show to the world at large the real essence of the conflict, and also show that we were not ready to enter the struggle until we had made every possible effort to bring peace. The President's appeal produced no very tangible results, although the Allied Powers stated their desires and purposes with considerable definiteness, and these terms did not appear to us unreasonable or unworthy.

Throughout this time the President and all thinking Americans were interested chiefly in

the maintenance of civilization, and they looked forward not merely to victory or to the acquisition of territory by one or another nation, but to the foundation of a lasting peace by the establishment of principles of justice and reason. We found that we could not paint in too dark colors the future of the world if we are all to remain under the pall of fear and suspicion, and under the overwhelming burden of armament; and thus we came to see that without America's entrance into this war there was little hope for relief from the crushing weight of war and the almost equally burdensome weight of ever-increasing armed preparation. Never, it appeared, in the long history of mankind was there such a fearful alternative, never a louder call to duty. America, without the hope of profit, with no mean or hidden purpose, must herself fight to maintain the principles of civilization and for the hope of lasting peace and propriety between nations.

Many of us came to realize the incredible fact that Germany menaced our safety, that if the war lords of Prussia were successful we were in actual and immediate danger. I know nothing more magnificent and imperial in its effrontery than the remark made by the Kaiser to the American Ambassador that he would

stand no more nonsense from America after this war! Still, we could scarcely credit what appears to be the truth, that—if I may attribute to the Kaiser the offensive words of Napoleon —America was within the scope of his policy. Possibly it was shameful in us to wait and to rely on the Allied Powers when we began to feel that their defeat imperiled our own safety. But something more than fear was needed to force us into the fight; not until the issues were clear to the nations of the world, not until there was hope for a constructive peace, not till we heard the call of humanity, were we prepared to fling in our power and resources.

Doubtless our final entrance into the conflict was brought about by cumulative irritation at German methods and policies. Our conviction of their unworthiness grew gradually day by day. This conviction was the result of experience, of having actually lived through a great crisis. Among these irritations, which opened our eyes and hardened our hearts, none was more powerful than the machinations of the German spies. We were more than irritated, we were enlightened; we discovered what *Weltpolitik* and *Realpolitik* really were—German espionage helped us to grasp the nature of a principle which is essentially criminal and

which, if it continues, must make decent international relationships quite impossible. And so this fact began to stand out strongly: Democracy cannot survive in an atmosphere of indecent intrigue—Democracy is comparatively helpless in a game of secret skill and of stealthy manipulation.

America came to see, by April, 1917, that she must enter the struggle, and sacrifice, if need be, all but honor to put down arrogant militarism and strutting autocracy, the remnants of an outworn practice of life and mode of thought. The world was too small to contain two fundamentally hostile principles of life. It took the devastation of this horrible calamity, the death of millions, the crippling of tens of millions, the semi-starvation of a continent, the drowning of our own people, the slimy intrigue in our own nation, the practice of studied cruelty in Belgium and Poland—it needed all this to open our blind eyes; but at last we saw. There was no use in arguing about it; the world was too small, too organically united; it could not encompass two warring principles of life—warring, that is to say, and deadly in their antagonisms even in times of so-called peace; for the deadliest of enemies are ideas and ideals that in, of, and through themselves lead to differing goals.

There was no use in talking about it; the world cannot permanently exist or longer live half slave and half free. We have to make the world safe for Democracy.

President Wilson has not, as some people think, asserted that Prussia must adopt a democratic Government. He has simply said that German rulers cannot be trusted; any arrangement with them for peace, unbacked by the people of Germany, would be a bauble. Does anybody doubt that the German Government is not trusted? The question is not whether it ought to be trusted; as to that, some ignorant person might break into an argument. The question is not whether we may ultimately have to sign a peace with the gilded and brazen rulers of Germany; on that point some faint-hearted person might start a discussion. The question is: Does anybody trust the Government? The President has also pointed out that a peace which is really vital must be a peace of peoples. Anybody doubting that has not got very far into the meaning of this horrible catastrophe. We are not, let us hope, giving up the lives of our boys for a "peace" hanging on the shaky word of a Berlin Government. And nothing but the righteous sense and serene judgment of everyday people who have seen light and love

the sunshine of friendliness—nothing else can give us hope for humanity.

And this leads me to say, what you will know, that the whole fate of democracy is involved in this war, and that out of it, to use the words of Lincoln, must come a new birth of freedom. It is not merely that the hosts of Germany have turned under regal leadership against the democratic nations of the West and hoped to crush them by weight of arms and barbaric fury. It is not alone our territorial integrity or even our forms of government which are imperiled; the spirit and breadth of open-minded, cheerful, hopeful and trustful democracy are in danger. Democracy is and must be sociable, friendly, and helpful, or it belies its own character and denies its own philosophy. It cannot breathe the fetid air of intrigue, espionage, and hidden malice. Democracy is built on faith, faith in the elementary rectitude, the substantial validity of human life and purposes. If it is not trustful and open-hearted and hopeful it falsifies its own being. The time has come when once for all it must be decided on which philosophy of life humanity will rest.

In all its aspects democracy is purely a matter of human relations. The time was when we thought only of individual freedom or of

social and political equality. But by processes of natural inevitable growth we have passed on to a fuller relation of democratic obligation. Democracy involves helpfulness and friendly companionship; there can be no such thing as an insulated democratic individual, and there can be no such thing as an insulated democratic nation; the spirit of companionableness and co-operation must express itself in international relations and manifest itself in ordinary intercourse between governments and people. That we shall always act in highest accord with the essential ideals of this philosophy of life one dare not prophesy; but such, I maintain, is the logical and necessary product of a developing spirit. Democracy is in its essence essentially human, not merely political or governmental; and the inmost significance of this struggle consists in this: we are menaced by a force and a philosophy hideously at variance with the primary and heartfelt instincts of democratic life. This very force has compelled democracy to expand itself beyond the confines of national boundaries, and to demand the recognition of its principles as the foundation of peace and of a hopeful progressive human and humane world-order.

The passing years have shown, then, that self-

contained, purely national democracy is not enough. We cannot be inwardly democratic, outwardly autocratic. We may not demand that Prussia adopt the forms of popular government—though these must come to her, unless she stand aside free from the currents of modern civilization—but we can and will demand that she abide by the code of democratic fair-play and fair-mindedness. If she is unable or unwilling to think as the outside world is thinking, she must be made incompetent. The distinguished gentleman who so kindly introduced me this evening used these words some months ago: "Prussia must be powerless or free." It would be sheerest folly now not to see the whole fact clearly. The world cannot remain half free and half Prussian; and the essential ethics of Democracy must be boldly adopted as the guiding principle of international intercourse and human progress. Those ethical principles, we may remind ourselves again, are not so much intellectual and spiritual, not so much political as human and social—they rest on faith, on responsibility, on helpfulness, and companionable cooperation.

That this war will bring in a revivified and enlarged sense of social obligation and develop within each of the nations now fighting for

democratic ideals a new appreciation of duties as well as rights, we now see is inevitable; but it must, I repeat, do more than this. It must extend those ideals beyond the limits of individual conduct or internal policy. Unless these ideals permeate the philosophy of the world, domestic democracy is endangered. Even for our own salvation we must strive, then, for international democracy—I mean, of course, tolerance, frankness, forbearance, open-mindedness, faith, and companionship.

That, you will say, is a big program. Well, this is a big war. It will bring big, inconceivably big, psychological results. A new world is before us. To some extent we can make it what we will; and what it will be depends, so far as conscious effort can bring things to pass, on the purpose and desire of the English-speaking peoples. We must not fail, we simply must not fail. Let us not lose ourselves, our inherent character, and let us highly resolve to carry forward into the days of peace that feeling of mutual respect, that sense of friendly cooperation by which we are now possessed. This we must do for our own welfare and for the welfare of the outside world.

BRITISH AND AMERICAN RELATIONS

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I

On the second anniversary of the Battle of the Marne, M. Ribot, the French premier, in an eloquent address, used these words: "France joins with the civilized world in revindicating guarantees for a peace which will not be a mere truce, but a lasting concord founded upon right. Where can these guarantees be found? It is for the German people to realize that it rests with them to supply them by throwing off their yoke of military despotism, which, besides being a heavy burden for themselves, is also a danger to the rest of the world. If they refuse to become a peaceful democracy, it will be their economic interests that will run the risk of being attacked through the league of common defense that the nations will find themselves forced to organize against them. They who wish to inflict upon the world the constant menace of an aggression cannot complain that the world should seek to protect itself by all the means at

its disposal. A nation cannot isolate herself without incurring mortal risks, and it is condemning one's self to isolation to disturb the world in its needs for peace, which will become still more imperious after such a war."

The nation that sets itself up in isolation not only menaces the peace of the world, and menaces it a thousand fold if it be militant and sullen, but it seeks to shut itself off from the permeating forces of civilization. That fundamentally was Germany's greatest sin. Ensconced behind a wall of assumed superiority, nourishing tenderly her own peculiar *Kultur,* believing with a puerile simplicity that she alone, the favorite or only child of the *All-Highest,* was possessed of the secrets of life, worshiping with actual fanaticism the state which was in possession of unalloyed sovereignty, she fell upon the outside nations with a savage ferocity which still amazes the world. Sooner or later she must be brought to her senses; how, we do not clearly know, though we have consecrated our lives and our property to the task of beating down and overwhelming the armed might with which she seeks to defend her uncivilizing and monstrous pretentions. To this end we give more than ourselves; we give our sons; we are prepared to sacrifice all but our honor.

This may seem an unexpected introduction to a talk on America and Britain, but it is not inappropriate. For my man's theme is international duty rather than national rights. Patriotism is not enough; if it were the sum of the virtues, Germany, the fanatical Fatherland bowing down and offering up human sacrifices on the altar of Hohenzollern inerrancy, would be the most virtuous state alive. If the war teaches anything, it teaches that humanity is greater than narrow-minded patriotism. Do not misunderstand me: I have not said that patriotism is not good; a man must love his country, his town, and his own fireside or he is less than human. I only say that the nation setting up its own gilded image for worship has transmuted a virtue into a vice and menaces civilization.

My purpose to-day is to take up for consideration the historical relationships between Britain and America. I shall not attempt to go into details, but only to present a few elementary things. We shall have to glance at some of the troubles and misunderstandings of the past, but these will, I think, disclose the basis for good understanding now and in the future; for though America broke away from Britain in the eighteenth century and though in the next cen-

tury there were years of hostility and bitterness, the fundamental fact is the development of similarities, and a growing appreciation of identity of interests because of identity of basic political and social principles. In discussing these historical relationships, we shall have to notice the errors of Britain, and perhaps I shall seem to you to overemphasize them. If I do so, it will be because I am willing by glossing over the shortcomings and the faults of the past, to weaken any plea for good understanding now and in the future. Fortunately Britain has never been foolishly sensitive. The average man of these islands with an admirable pride in his fatherland, has always unsparingly criticized its conduct. It is not necessary to go to histories written in Deutschland, to find a recital of Britain's errors. If our wishes to find, for example, a magnanimous and generous story of the American cause in the War of Independence and an almost unqualified condemnation of British wrong-headedness let him go to Trevelyan's *American Revolution* and not to any recent work by an American writer. The American historian, more keenly aware, it seems, of the difficulties of imperial administration than is the Englishman himself, now writes with tolerant sympathy, almost defensively, of

those measures of imperial order which culminated in our cutting the apron strings which had tied us to an indulgent but bungling mother country. We talk, you and I, of our coming together in intelligent appreciation of the past; if we do not take care we shall pass each other in the dark; it would be an amusing product of our anxiety to be fair if American scholars should in the end upbraid Englishmen because the Englishman would not admit the difficulty, perhaps one might say the impossibility of managing from Westminster and holding permanently in the empire some millions of self-dependent and self-willed people.[1]

So loathsome do I consider the boastful exuberance of Teutonic patriotism that I almost

[1] An illustration of this amusing contradiction appeared in a brief discussion at the Royal Historical Society in which I said that the American Revolution and the break up of the old empire occurred because the British Parliament was unable or unwilling to accept certain principles in the make-up of the empire. "But after all," I added, "if the break had not come on that account, it is not unlikely it would have come for some other reason. Governing people like the American colonists, three thousand miles away from the seat of government, brought up almost impossible tasks of administration." An English gentleman present quite disagreed with me, saying that there was, in his opinion, no reason in the world why the empire should not have remained unbroken, if the Government had had a little sense. I mention this difference of opinion, not to indicate that one of us was right and the other wrong, but to show how there may be differences due possibly to excessive desire to be fair minded; of course such an argument, dealing with what might have been, is fruitless at the best, for what might have happened did not happen; and history deals with

shrink from the task of setting forth what I believe to be the mission and the character of America and I hesitate to speak of the obligations and mutual responsibilities of the English-speaking peoples, lest I appear to distort the truth and to place these two nations on some peak of isolated grandeur arrogating to themselves the wisdom, culture and conscience of the world. But the simple fact is that a great burden has been thrust upon us; and it is now our duty, acting harmoniously together, to carry the world through the present misery and onward to better things. With no assumption of our innocence or perfection, we must reach out beyond ourselves and extend the spirit of democracy as the basis of world organization and progress. As I sought to point out in my last lecture, this duty has been thrust upon us, and we have found that democratic institutions, that are really based on the philosophy of democratic life, are not safe within national boundaries, as long as aggressive militarism, with the national accompaniments of stealth and intrigue, menaces the world.

The essence of democracy is social relation-

realities and not suppositions. The historical fact is that Great Britain was then incapable of managing wisely colonies which had been allowed to develop naturally and in which the principles of English freedom had been strengthened by the opportunities of unfettered life on a new continent.

ship, its soul is friendliness, its heart is companionship. To promote this spirit in the world is primarily the task of two nations having the surest basis for friendly understanding, and sympathy, two nations using the same language, sprung from the same root of political principle and effort; heirs (though some of our citizens may have been born in Bohemia and Poland or Greece) of John Eliot and Pym and Hampden and Sydney and John Milton. It is our task to work together for justice and reason in the world about us. Fundamental principles of liberty, taking their rise in Britain, have had tremendous influence on the world; neither the soldiers of Cromwell's army when they drew up the "Agreement of the People" nor John Milton when he wrote the *Areopagitica,* acted and wrote as the passing years have shown for Britain alone; and now the time has come for both nations, which owe so much to the courageous defenders of liberty, to carry on the struggle openly and boldly for a wider and deeper application of the ethics of freedom. We in America feel, and must feel more fully still, the necessity of coming into intimate and intelligent friendliness with the British people. I am speaking now not of diplomatic alliances or of any form of political arrangement.

Though, of course, the American people must develop their own life, and expand and clarify their own character, we should be anxious to learn from others, and above all to feel sympathy with the mind and purposes of the masses of the British people, whose outlook on the world, whose sense of moral obligations, are, I believe, essentially in harmony with our own. All formalities of political cooperation aside, intelligent friendliness should be within the range of the possible, anything less leads to a dark and forbidding world.

In speaking of such ill-feeling, or such absence of sympathy—to speak gently—as Americans have entertained towards Britain, it is customary to speak as if it were all due to the remembrance of the American Revolution. Doubtless the story of the Revolution, the war that established American Independence, occupies in the mind of the average American a space and a prominence that an Englishman can scarcely appreciate; you have had so many wars, so many defeats and victories; you have made so many mistakes and done so much deserving the admiration of the world, that you find it hard to realize that this war still looms so large and means so much to the Americans. But it is withal a mistake to attribute American

feeling to the Revolution alone, it is a mistake to neglect nearly a century of history after the Revolution and to lose sight of the fact that the governments of the two nations, though gradually learning to dispose of difficulties in a seemly way, were often engaged in dangerous disputes, and that there were many things besides diplomatic controversy tending to keep alive in America a certain feeling of opposition or at the best a certain feeling of difference and diversity of interest and sentiment.

Britain's mistreatment of American commerce during the Napoleonic period is one of the things which has found a lasting lodgment in the mind of the American schoolboy. He is apt to forget that Jefferson said that England had become a den of pirates and France a nest of thieves, that England was fighting as she is to-day, against a usurper itching for world-domination, whose plans contemplated an empire in every continent of the globe and that England's so-called piracy was tender and compassionate when compared with the modern variety practised by Germany under the sweet title of freedom of the seas.

After the war of 1812 came fifty years and more of unfriendliness and just now I am willing to place the main burden for that hostility

on Britain. It is a dismal story, a story of arrogance and, in part, carefully nourished ill-will, and it discloses the criminal folly of petty personal animosity. There were breaks in the clouds, but on the whole I offer no excuse, only stopping to say that any one supposing that America meanwhile walked the primrose path of gentleness has no knowledge of the bumptiousness of our days of national adolescence. Britain's career in the world at large during the first sixty years or so of the nineteenth century has its dark and repellent side—the opium war, the Crimea, and the swagger of Palmerstonian imperialism cannot be remembered with equanimity, nor can the long policy of protection and friendliness for the unspeakable Turk.

American democracy during those decades was often crude, boastful and self-satisfied. It often showed itself in its less lovely aspects to foreigners, who in their turn failed to see in our rapidly developing country a pure idealism and a lofty faith which was even then affecting the outside world. American diplomacy was not unskilful; but the art and courtesy of the diplomatist often suffered from the high-flown speech of the politician, who with a fatal gift of words poured out his periods on the

hustings, and even on the floor of Congress. That our tone and temper were irritating there can be no doubt, and one special practise, known commonly as twisting the tail of the British lion, was often used to arouse the enthusiasm of the orator's audience.

The British traveler who, like Charles Dickens or Mrs. Trollope, lampooned American life for the amusement of his own people and held up to view the crudities, vulgarities and simplicities of our unsophisticated society, did untold damage. The sharp and unfriendly criticism of British journals also was deeply resented and brought forth keen retorts from American writers. This constant campaign of journalistic recrimination, which the people of Britain have long ago forgotten or ignored, kept alive for decades a bitterness of feeling which might otherwise have disappeared or been greatly modified by the passing years. Such English writers as pleased themselves by depicting American shortcomings and follies might have taken a lesson from Harriet Martineau who summed up the situation truthfully and nobly by saying there is the greatest hope for a people that can cherish high ideals. Though these ideals were often expressed in extravagant and boastful terms—they were real

and elemental but the literary or articulate classes of Britain would not see them, and indeed did not, I fear, desire to see them. No one wishing to understand American history can omit the sentiments of democratic idealism which animated the people from the days of the Revolution to—when? Well, how shall I answer? During the last twenty years we have been criticizing ourselves unmercifully, looking askance at our constitution—the oldest and most conservative national constitution in the world—finding faults with our courts, grumbling about our pitiful municipal governments, questioning our capacity to manage the perplexing and pressing problems of social and economic order, envious, in some measure, of the hard glittering efficiency of Germany; for the first time in our national history we were becoming distrustful of our own superior capacity and our own high destiny, although in reality we were taking a firmer hold on duty and cleansing ourselves from much of our former error. I have not as yet answered my question as to when this strain of idealism disappeared from American character, but I can now answer. It has not disappeared at all. To-day the land is filled with more than a hatred of German *Machtpolitik*. The people have not been

aroused by fear for themselves, though perhaps they should have been; they have not been stirred by hope of material profit; they have not been moved by motives of revenge—I mean, none of these has been the chiefest influence drawing them into the world war. They hate German *Machtpolitik,* because it *is* the policy of force; they detest cruelty because it is cruelty; they loathe deceit and barbarity because deceit and barbarity are loathesome. But I believe I am right in declaring that the appeals made by President Wilson to essential sense of right and justice, the demand that the world be freed from dynastic ambitions which are fed by military aggression, the call for the succor of ravished Belgium and martyrized Serbia, the need of saving democracy from the grasp of imperialistic autocracy, the realization that America owes a duty not to herself alone but also to the world—these things have fired the American heart and made us resolve not to lay down the sword till Hohenzollern arrogance shall give way to decency and truth. We have some hold on the belief, some faint hold at least, some portion of assured trust, that we are now fulfilling our destiny and doing our duty, that we are really in some degree responsive to the injunction of the American poet:

"Be thou the guardian of the weak,
Of the unfriended, thou the friend,
No guerdon for thy valour seek,
No end beyond the avowed end.
Wouldst thou thy godlike power preserve,
Be godlike in thy will to serve."

I do not wish to speak boastfully: no American that I know is in a boastful mood; we are not trumpeting our valor or our power. But you will forgive me, I am sure, if my heart is warmed by the belief that America is not false to its own past and to its high convictions. You will forgive me if I am moved by the sight, to use Milton's words,[1] of a noble and puissant nation rousing herself to take part with fortitude and courage in this horrible war which has already brought desolation to your firesides, and to take part in it with no thought save that of service. God grant that by your side in suffering and in the elation of victory, we and you may cling fast to those sentiments of justice and rectitude which the world sorely needs if civilization is to survive. Omitting for the present any further reference to British and American errors during the last century, because I

[1] "Methinks I see in my mind a noble and puissant nation rousing herself like a strong man after sleep, and shaking her Invincible locks, methinks I see her as an eagle renewing her mighty youth, and kindling her undazzled eyes at the full midday beam!"

shall need to refer to them again, let us grasp at once a main and elemental fact.

Both Britain and America were living; they were stumbling through experiences and developing character. An historical student resents almost with anger the way the laymen often use history; for it is not history at all. The unhistorical man is too likely to seize upon some incident, to detach it from its environment, and to hurl it as a missile in argument, as if history were but a basket of pebbles snugly fitting the hand. It is true that a nation's character and quality can be discovered by what it does; there is no other way of discovery. If I wished to tell what kind of a psychosis Germany has to-day, I should say that her hero is that old scamp, Frederick the Great. History, however, does not deal with separated incidents but with life and growth. Nations, perhaps more surely than separate individuals, change in character, in psychological reactions. Nothing can be more humorous than to suppose you can know Britain to-day solely by knowing what she was a hundred and forty years ago. It would probably be safer to say that a boy who "swiped" an apple from a farmer's wagon would surely grow into a bandit. There are, of course, certain traits, qualities and aptitudes of national char-

acter that are discovered by tracing the course of its history; there may *possibly* be special illuminating incidents; but the law of history and of life is change and adaptation. Even Germany, still ruled by a conception of kingship that came out of the later middle ages and by worse than that, has undergone change; and the world outside her borders has but one prayer today and that is that the experiences of this war will bring conversion and regeneration.

In England there have been for centuries two conflicting forces. There were, it is true, times of almost complete stagnation, but during those times there was a more or less unconscious preparation for the next step forward, a gathering of strength to move on toward a fuller and freer life. I shall not carry you far back into this struggle; let us begin with the seventeenth century, about the time that Prussia, no bigger than a man's hand, appeared on the horizon and began, with war as its "national industry," that steady policy of aggression which has now drenched Europe in blood. Those were the days of the Great Rebellion in England when the opponents of the divine right of kings were formulating and putting to practical use the revolutionary philosophy which America in later years used so effectively. If

any one would understand the present conflict or our debt to Britain, he must go back to those years, and see what it meant that Sir John Eliot died in the Tower and Hampden gave up his life on Chalgrove Field. Before the end of the century, England's sovereign rested his power on parliamentary authority. In reality power passed to the great Whig families; England was essentially an aristocracy and there ensued three-quarters of a century in which there was comparatively little upward movement toward modern democracy. Still England had a Parliament, she had a crude, imperfect and corrupt representative system, and, even if her statesmen and publicists paid only lip service to the principle, they taught and believed that government springs from consent, originates in the people and is bounded in the exercise of its power by human rights and justice. Of the early decades of George III. you know the conditions well; they are brilliantly told in Trevelyan's *Fox* and can be seen face to face in Walpole's letters. Trevelyan tells us that there is no more evidence of Christian Religion in Horace Walpole's writings than in those of Pliny the younger. I have been a somewhat careful reader of Walpole and can support Sir George's statement. It was Voltaire who uttered the fa-

mous epigram that there was no more religion in England than the minimum necessary for party purposes; and we may remember that it has been said that no politician worthy of his craft thought it wise to get along without a clergyman in his train. The sudden access of wealth and power with the defeat of France in Canada and India, the coming in of wealthy planters from the East and West Indies, introduced what Pitt called Asiatic habits of life and threatened to bring in Asiatic principles of politics.

When the American Revolution came on, Britain was ready, or nearly ready, for another move forward; there were signs of awakening. Vulgar ostentation, corruption in high places, dissipation, venality, low-browed appreciation of national obligations, were not all. In religion, in political economy, in industry, even in politics there are some evidences that a new and better England was coming. For the really great and creative forces of the time were represented by John Wesley, Adam Smith, Arkwright and Hargreave, Edmund Burke, Fox and Pitt. Of course the tide had not clearly turned till fifty years and more after the beginning of our revolutionary era; but even in its days of social frivolity, Britain's condition was not

hopeless. It is a striking fact that Smith's *Wealth of Nations* was published in the year of the American Declaration of Independence. It meant in all its reasoning and its ethics the coming in of a new school of thought, the foundation principles of liberal trade on which Britain in the next century was to raise the mighty structure of imperial commerce. The philosophy of Burke, the open-hearted humanism of Fox, the new, free and rational economy of Adam Smith, the inventions of textile machinery by Hargreave and Arkwright—these were the things which were to make over the old-time Britain and to raise her to a new position of usefulness.

However this may all be, the American Revolution came as a great shock to Britain. The effects of that Revolution and the French Revolution are hard to trace. In part, no doubt, influences worked at cross purposes; a new order of political thinking forced itself in, new conceptions of personal worth and freedom affected Britain as they did the continent; and still, especially as the result of the excesses of the French Revolution and of the long wars against Napoleon, certain forces of reaction were given sufficient strength to maintain themselves till their grip was loosened by the reform

measure of 1832. Despite these reactionary forces, the fortress of feudalism—I use Goldwin Smith's phrase—began, I believe, during our Revolutionary era to show evidences of weakening.

Now if we look more carefully at the Revolution itself, the first thing we see, as some wise man has said, is the England of the seventeenth century arising to combat the England of the eighteenth. This is most literally and startlingly true. The English race split asunder in the seventeenth century, not in the eighteenth: the Revolution broke the political connection. The men that settled the colonies, especially those coming to Massachusetts, carried with them the thinking and the principles of the Great Rebellion of the seventeenth century. And so when Britain in the eighteenth century, under the guidance of a stiff-necked German monarch, and under the sway of a junker aristocracy, sought to tax America and to set up the complete and unlimited authority of Parliament, America was prepared to meet her—how? By reference to the precedents and the principles of English liberty, by insisting that the doctrines which Britain had produced and which had grown strong in her self-governing colonies, should be applied in the empire as a

whole. This should be fully noticed, and may I say to add emphasis to this assertion that that particular period has been my special field of study for twenty years? I may be vain if I say that I speak with some authority, but certainly I speak with assurance. The American Revolution is, on the whole, the chief jewel in the imperial diadem of Britain; it was one of her greatest deeds. It was based on English born philosophy; it was waged by colonists who had developed in freedom; it carried forward to a higher stage, or onward toward maturity, those principles and practises for the foundation of which Englishmen had given their lives. None but English colonies could have made such a fight for independence, none but Englishmen, who in the new world had had new opportunities for self-realization, could have institutionalized, made over into written legal binding form, those fundamental precepts of individual liberty which had not yet found full expression in Britain itself. When I say "none but Englishmen" could have done so, I am not speaking in terms of race, or theoretically, I am speaking historically. Where in the eighteenth century could be seen other colonists able to find, in the history and institutions of their mother country, foundations for declared principles of self-

government? Who but English colonists could at that time have written those amazingly advanced, conservative, human, clever, determined and wise state papers that came from the pens of Dickinson, Samuel Adams, Jefferson and others of that brilliant revolutionary group? But—if I must cling closely to historical facts and not indulge in "coulds" and "mights"—it is sufficient to say, no others did do it; and that is enough. No one but Englishmen established American Independence, and this they did on the basis of English history. This they did possibly because of native racial capacity, and certainly because they had been allowed self-development. You would not turn—would you? —to the France of Louis the XVth, to the Prussia of that grim old robber Frederick, or to any principality of the kings and princelings of autocratic Germany, to decadent old Spain, to distracted Italy, or to half-barbaric Russia under Catherine II., of whom the less is said the better.

I have been speaking of principles of individual liberty, and the practise of representation as a protection of liberty—of the institutions and the ideals which Englishmen in America carried out beyond the stage to which England herself had at that time developed them.

But there was more than that. Turn where we may, we are struck, if we study carefully, first by the remarkable political astuteness of the American Englishmen of the eighteenth century, the remarkable cleverness with which they used principles and made them real in working institutions, and, second, by the fact that in an astonishingly large part of their work they only adapted, only shaped, fitted and adjusted institutions, principles and practises which had their home in Britain. We have in America several qualities and several political institutions or modes of action which we consider peculiarly American, or, if we admit that some of them are no longer peculiar to us because they have reached out over the globe, we think of them as American creations. The *qualities* I have in mind are in large degree due to life on a free, wide open continent—socially, industrially, intellectually, America is the child of a spacious continent. The *institutions* or the forms of political action are the fixed written constitutions, the limited government, the power and independence of the courts, and the general system of federal order. By this last I mean the general structure of the United States as a whole—a body of states, acting side by side, each with its quota of independent authority, and, acting

coordinately with them, a central government charged with duties of a broader scope but of specific character. Whence came these institutions, these mechanisms, these forms of political action, these habits of political thought? Largely from Britain. Indeed, wherever you dig—I shall probably not exaggerate—wherever you really dig down into things to understand them by finding their origin, you will be almost sure to find two things—our two parents, the "frontier" and the old British Empire. I spent several years in studying just one institutional principle that we think peculiarly our own, the right of a court to declare a law unconstitutional, a principle England does not have. In making this study I had not gone far before I found myself in the philosophy of the American Revolution. I found the American of that time making use of the philosophy and the judicial dicta of the British seventeenth century. I became familiar with Coke and Hobart and Pym and the soldiers of Cromwell's army, with the levelers of the middle seventeenth century, with Harrington and Sydney and Locke: I was examining, too, the structure and operations of the old colonial empire. I discovered, in other words, that even that institution could be un-

derstood only by a study of English and British imperial history.

I have studied and examined for years the principles on which rest our federal structure, i. e., that compounded, that multiple state, we call the United States. Whence came it? Why came it? The form has now spread over the world. Switzerland, Germany, Mexico, most of South America, Canada, Australia, are now federal states. Where did this peculiarly useful and viable form of imperial order come from? From the old British Empire. And the tragedy of the American Revolution, or the comedy of the whole thing is that, when the Americans claimed the advantages of federalism in the decade of discussion between 1765 and 1775,—when they claimed, that is to say, that each colony, like one of our present states in the nation, had an indefeasible right to its own quota of free action, the Englishmen of Parliament could not see that the empire was already federal, already multiple, already non-unitary. And so we broke away and institutionalized, made over into our own legally-based institutions, the structure and the spirit of the old Empire which Britain had allowed to develop in freedom in America.

There is something inspiring and almost startling in the unerring way in which one's re-

searches carry him back to British and especially to imperial history. Moreover, when we study British imperial history, we are struck by the significance of the War of American Independence. As we look out on the world to-day we see two great political bodies—I hesitate to call them empires since the world commonly connotes imperialistic ambition and supporting militarism—those bodies are the British Empire and the United States of America, and both are the products of British history. One of them, the American, is founded totally in its length and breadth (unless by acquiring dependencies from Spain after the war of 1898 a change was wrought in some particulars) on law on a legal scheme of empire, on the Constitution of the United States. The other is founded on opportunism and on opportunity, on the ethics of the philosopher-statesman Burke. For Burke, the friend of America and the prophet of successful British imperialism, poured out floods of captivating eloquence in behalf of freedom as the soul of successful and honorable expansion and dominion. Freedom was itself force; not military coercion, not even legal dictation when free communities were to be held to duty—not these, but freedom, constituted compulsion. How have the passing decades given the proof!

"The Sons of England," Burke exclaimed, "worship freedom. . . . The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have anywhere. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But freedom they can have only from you." In the eighteenth century, the thoughtless leaders of British society, busy as they were with horses, cards and dice, were not thrilled by the eloquence of the prophet. Not till the trying days of August, 1914, did Britain realize that the ethics of Burke, which little by little had permeated and mastered the principles, plans and practises of her empire, had made for her a dominion that was stronger than the steel of Roman or Teutonic workmanship—not till 1914, when everywhere, in the woods of Western Canada, in Australia, in New Zealand, in forgotten places of the globe where Englishmen toiled, young men sprang to arms unsummoned, ready to give their lives for an idea, to sacrifice all for an affection. After all, that is the outstanding lesson of the war: freedom is not disintegration, freedom is not dissipation of duty; freedom is the cement of empire as of society. Of course it was all dramatically

brought on, pathetically, tragically brought on to the world's stage that we might behold it—those boys from the South Sea gasping with thirst and dying by thousands at Gallipoli, and the brave young Canadians at Ypres suffocating with poisonous gases, still holding on and giving a new and fresh glory to ghastly and devilish warfare. And there was South Africa, a self-containing commonwealth, on which the lavish hand of Britain had bestowed complete freedom after the defeat of the Boer, now freely standing by, won by generosity in a decade or two from enmity and suspicion to loyalty and readiness to die for the ideals of the empire.

That is the outstanding lesson of the war, and the horrible tragedy of it is Germany, still cherishing the belief in brutal compulsion, still cherishing conquest, still believing that men can be terrorized and beaten into humility and service. This, I say, is the outstanding lesson of the war. Again it is democracy over against autocracy. There are many philosophical grounds for faith in democracy, but among them the chief is this —that self-compulsion, self-control, the unforced acceptance of duty, constitute the essence of social morality. Therefore when we find, in a vast empire reaching around the world, millions of men and women freely answering the

call to duty, freely giving up their property and their lives because they ought to and want to, not because they have to, when we see a great empire relying for its life on the self-imposed obligation of far away peoples, we have new faith and new hope, and we realize that under the most critical test, under the most searching test imaginable, self-compulsion has demonstrated its value and its practical strength. Possibly by superior mandate, by brute force, by that all-favored thing called efficiency, you can obtain more symmetry, better order, less constant petty annoyances, but if the last fifty years and the last four years have not given you new faith in the essentially ethical and essentially elevating effect of individual self-control and democratic management as over against external and superior compulsion, this world has few interests for you and no prospect of consolation. If the orgy of the Germans in Belgium, the tragic history of Alsace and Lorraine, the martyrdom of Poland under the heel of a looting army, the readiness of a great people to believe what they are told in a fateful moment of the world's history, their incapacity to make their wills felt if they have any, do not move you to put up patiently with the uneasy, restless, self-assertive strivings of democracy,

there's no comfortable home for you save in a *Wohnung* on the Friedrichstrasse where you can sit by the window and read on the opposite wall the pleasant command "*Verboten.*"

BRITISH AND AMERICAN RELATIONS

II

The concluding statement of the last lecture may seem too far away from American and British relations; and too far away from the American Revolution, from which I digressed to consider the nature of the two great empires —shall I call them?—of British origin. But the cry is not so far; for the American Revolution —which was a British revolution—was, as I have said, itself a creative incident in the development of British liberalism. And, in the decades of the nineteenth century, one fact, one simple but momentous fact, stood out supremely before the world and before Britain: America actually was making a success of democracy. The principles of the Revolution, moreover, reacted on the whole of Europe, although the way in which its fullest effect in Germany was stamped out under the heel of Bismarck sixty years ago is a pathetic and dismal story. Do you suppose it is all just an accident that America, though loathing war, has finally cast in its lot with the democracies of Western Europe

and has shown, with a fervor which surprises ourselves, a whole-hearted detestation of military conquest and militaristic brutality? Does this seem accidental, or does our delay in entering the contest now seem due, first to the need of recovering from amazement; second, the need of perceiving the essential danger to democracy; third, the need of keen and sure perception of all the implications of the conflict?

There are scores of other things which we ought to consider if we view this whole situation aright. We must be content now with a few of them. Let us notice first the fact—the simple but all powerful fact—that for just about one hundred years, England has been moving on slowly, sometimes painfully, toward liberalism. This is a simple statement; but it is often entirely lost sight of. Most of us have not had the time or the inclination to study the history of the last century. Therefore, I wish to emphasize what is so preeminently plain in that history. The plainest thing is the unintermittent contest, at times an open struggle, between the old forces of privilege and the forces of individual and social right. Step by step, democracy, or liberalism, won—the expansion of the suffrage in 1832, 1867, 1884, the repeal of the Corn Laws which protected the landowner and

burdened the workman, the series of acts which little by little gave the working classes new life and opportunity, the growth of a wider, wiser and deeper faith in the great body of men, a faith which was much more valuable than mere legislation, for it filled institutions with new spirit and reached out to shape and revivify the whole imperial structure. The culmination of this movement toward democracy is found in the series of democratic acts of the early twentieth century, and England's entry into this war in which she frankly defends the right of people to live their own lives without dictation, in which she frankly and with tremendous spiritual enthusiasm stands forth as the protector of popular institutions against military supervision and swaggering officialism.

When we speak of the close resemblance of British to American institutions and principles, we are sometimes reminded that Britain has a titled aristocracy and we have not; and our political habits of mind make it seem strange to us that certain men should have rights and duties as members of the House of Lords, a position which they obtain by birth and not by effort or by the system of politics which makes American senators. To discuss the propriety or the impropriety of an established aristocracy

would on such an occasion as this be a gross impertinence, and I must content myself with saying that there is, I believe, as strong a faith in democratic opinion and as much force in public sentiment in Britain as in the United States. Indeed, when I see the array of talent, of intellectual brilliancy and administrative capacity that openly in Britain preaches and practises the doctrines of liberalism—I mean which frankly and fairly believes that the masses of men must be trusted and that their judgments, though not unerring, are the surest and safest guides to human betterment,—when I see the stern determination of Britain and her readiness to sacrifice her life for the maintenance of democracy in the world, I feel that comparison of formal institutions is, at least, for the present, odious.

In our view of British history in the last hundred years, let us briefly consider a few other things. Britain during these years has been, in Europe as a whole, a force making for liberalism beyond its own borders. I know there are dark spots in British history during that time; I know there were many occasions when her foreign policies were shaped by crude materialistic needs of her own empire; I know too that, when I make this charge, I almost repent my making

it, because the fact is preeminently growth from the old materialistic imperialism toward human leadership and obligation. But if we look at any single liberal movement on the continent of Europe from 1820 to 1914, what do we find? Well, we find in most of them Britain's foreign policy and her domestic spirit in sympathy with democratic development; we find the nations of Europe as they advanced away from autocracy imitating English institutions; we find the wide acceptance of the principle of ministerial responsibility and Germany the only nation of importance that has not accepted the practise, except where the American system of providential government has been adopted. Save America, no other country was so much an inspiration to the restless and hopeless populace of the continent during the half century between the death of George III. and the unification of Italy.

Suppose one should ask the struggling leaders of democratic purpose on the continent during those fateful years, when Greece obtained her independence, when country after country received written constitutions, when Italy threw off the odious and terrible yoke of Austria, when even German states put on the seemings of popular government by receiving gifts of constitu-

tions handed down by monarchs,—suppose we should ask those leaders where they expected in their contests to discover understanding and popular sympathy. Do you think they turned to Berlin, Vienna and Constantinople? Did Mazzini and Cavour and Garibaldi think of London or Berlin as a source of hope and consolation? The simple truth is that Englishmen had established in the seventeenth century the fundamentals of the principles of free government which the men of Europe craved in the nineteenth; the truth is that Englishmen nearly three centuries ago cast into the muck heap the whole theory of divine right of kings of which William Hohenzollern still swaggeringly boasts. On the whole, if we put to one side the fact that Britain herself was moving on to a fuller realization of popular will in Government, the glaring truth is simply and concretely that distressed democrats and political refugees fled to London for breath and to gather new courage.

Suppose we should select the years from, let us say, 1840 to 1865. Was Britain worse than other nations, or was she better? I select the years of Palmerstonian flamboyancy, the years of the Opium war and the Crimea. Years of blunder and wrong-doing, in which Britain, however, was undergoing a change of soul under the

hammering logic of Cobden and the spell of John Bright's lofty eloquence. Compare Britain in the mid century with Prussia, with France of the third empire under Louis, the histrionic, with the dreary states of Italy,—remembering what Gladstone said of Naples, that it had raised a denial of God into a principle of government—with Austria practising the policy and creed of Metternich and squeezing in her hard hand the peoples of northern Italy, with America enforcing the Fugitive Slave Law, issuing the Ostend Manifesto, announcing the Dred Scott decision, and ready to enter the mess of Congressional Reconstruction.

There may be in America still some persons who cherish ill-will against Britain because of her conduct during our Civil War. In part this feeling is a relic of the indignation of the North because of the *Alabama* trouble, because England sent munitions to the South, because she quickly acknowledged the belligerency of the Confederacy. But it is high time that we saw these things aright. *1st,* The only fault in acknowledging belligerency was, if fault at all, in the haste with which it was done; *2nd,* We are in no situation to throw stones at England for exercising the privilege of a neutral to ship munitions to a belligerent; *3rd,* While the *Alabama*

matter was trying, Britain paid the damages settled by a court of arbitration. Again, Northern men who lived through the Civil War were tried by England's apparent sympathy with the South, when they had expected that the official opinion there would support the North. The story is a long and exceedingly interesting one; can I put the essential truth in a few words? The suspicion and jealousies produced by old controversies had not died down by 1860. For some time past, America had been grasping and apparently imperialistic, with a more than British imperialism, for she had taken Texas and California and other portions of the great west and had looked with more than platonic affection on Central America and Cuba. For all this we can offer excuse or palliation, but it in part accounts for British feeling toward us. To the average Briton, the whole United States was blackened with slavery; and, forgetting that his own country during the eighteenth century had reveled in the profits of the slave-trade, he looked with undue pride on the really noble part his country had been playing for a generation in the movement toward the liberation of the black. But most fundamental of all, America was not loved but suspected by the conservative classes, instinctively suspected; a more or less

conscious effort had been made for two generations to slur America, which was giving,—the governing classes strove to believe,—a lesson to the world in the noxious effects of unrestricted democracy. In the light of all these things, it was natural that the British government, still largely in the hands of a small governing class, should not instantly sympathize with the North.

But we must go a little further in our study. As we do so, we shall see the American Civil War—like the Revolution—a crisis and a step forward in British history. We generally think of that struggle as ours. It most decidedly was not ours alone. During the earlier years of the war, pressure was brought on the British government to recognize the Confederacy as an independent nation and even to intervene; the government had too much sense. Blind as it may have been, it could not make that serious and gross error, though Gladstone, a member of the cabinet, in a well-known speech, spoke of the South as a new nation made by Jefferson Davis, and lived to make open humble acknowledgment of his unspeakable and tactless blunder. When once it was clearly seen by the British people that the contest in America was actually one between slavery and free labor, the government, had it so desired, dared not ac-

knowledge Southern independence. Those were very trying days for England. The blockade of our southern ports cut off the supply of cotton for her factories. Men were thrown out of work, thousands and tens of thousands faced starvation, but the clear-eyed cotton operatives instinctively grasped the truth; suffer as they might, no government that was theirs should be allowed to cast in its lot with a confederacy of states which recognized the right of capital to own labor, of the employer to own the body of the laborer. We now see how much of human destiny lay in the hands of those simple British workmen. Fortunately ere long they saw the principles of public and human faith incarnated in the person of a great American, a rugged homely son of the soil, who was raised by character from poverty and obscurity to the highest position in a democratic republic. To these simple working men Lincoln wrote with his own hand a straightforward, uncondescending, man-to-man letter, acknowledging their distresses and assuring them of his faith in their sense of justice.

If we must select one cardinal fact, one great illuminating incident in British history and Anglo-American relations, we should select this strangely daring disregard of diplomatic prece-

dent and ritual. We should see the President of thirty million people making a direct, frank, simple statement to the people of another nation, a people as yet inadequate participants in their own government. We should point out the fact that Lincoln knew that peace and good understanding must rest on the sober judgment of common men and that governmental methods must not corrupt the cordiality of plain human beings whose interests must be in their elements identical. We need not wonder then that the men of Britain to-day quote Abraham Lincoln more freely than they do their own statesmen; for whom ought they to quote but Lincoln and Edmund Burke? And we need not wonder, but admire, when we find the President of the United States to-day concerning himself with the masses of the people of Europe, who can obtain nothing but vitiation of their own lives from the strengthening of aristocratic militarism and the crushing of neighboring democracies.

When did Great Britain become the friend of America? Its real friendship began when, in August, 1867, Parliament passed the second reform bill and England became a democracy. It would be difficult probably to over-emphasize the impression made on the mind and spirit of

Britain by the death of Lincoln. The tragedy made men stop and ponder; his life and death shattered at one blow the argument that sagacity in high places of state rested only with men of superior station and of aristocratic tradition. A great democracy had weathered a storm in which certain elements in the governing classes of Europe had expected to see it founder; mistakes had been made, but democracy had shown staying power, faith, determination and respect for law. The writer in *Punch* who lampooned Lincoln in the days of distress and trial openly confessed his error:

> Yes, he lived to shame me from my sneer,
> To lame my pencil and confute my pen—
> To make me own this hind of princes peer,
> This rail-splitter a true born king of men.

How can we doubt that this lesson struck home to the millions and shook to the base that old doctrine which England, free as she was, had not as yet discarded, that men of a restricted class must hold in their hands the government of a nation.

Thus far I have rapidly presented a few elementary facts. By strict adherence to history I have sought to show how Britain has gradually become democratic like the States that were once her colonies. To-day no people see more clearly

than the British people that this war is not only a democratic but a democratizing war, a war which must, it seems, unless arrogant Germany prevail (as prevail she must not and cannot), bring into working relations the people of many nations and build peace and progress on the essential every-day needs and impulses of the plain people. Unless we Americans are false to our history and false to what we suppose we are, surely there is nothing strange but only everything inevitable in our standing by the side of Great Britain, the mother of modern constitutional liberty.

Now, what of the future? Dare one venture to look ahead? This war must democratize the political world, though it would be folly to expect either complete and immediate alteration in foreign affairs, or complete internal peace. There are to be difficult tests of industrial, social and political readjustment. The effects of the war must be far-reaching. The war now encircles the globe; no group of people is so remote that it has not been furnished with the ideals of democracy and of militaristic imperialism. Hundreds of millions of men have seen and heard and thought. To some men, it is true, the war appears to have taught only that we must prepare for another; to some men the chief

lesson seems to be that we must buckle on our industrial armor to meet the organized industry of other nations; they look forward to super-organized, politically fostered and governmentally supervised industrial competition between great peoples, not seeing that Germany's greed under governmental supervision brought on this terrible agony of war, not seeing that peace and friendliness between nations is almost inconceivable under a régime which Germany's commercial policies so adequately presented to the world, not seeing even that the forces of modern society for fifty years have really, in spite of certain evidences of rampant nationalism, been breaking down the isolation of nations until publicists are almost ready to throw overboard the rigid conception of national sovereignty which accepts no exterior superstate compulsion, not seeing that industrial and commercial enterprise is not and cannot be totally national and that actual unity of interest is an economic necessity and a real fact which is violently disregarded by artificial national regulations and interferences. The truth is that political nationalism to a large extent belies international reality, and patriotism is not enough. We may well question whether, by a strange revival of currents, we must go to British work-

ing men to gather now what Lincoln called a new birth of freedom? But surely we all see that peace, prosperity and progress must depend on the spread and the realization of a deeper and cleaner civilization; and this we hope for out of the mire and the cruelty of war. Peace and prosperity and progress depend on the people of one nation's knowing and understanding the character and the essential interest of others.

Let us hope that thinking men see and feel that patriotism is not enough. If after this war one great body of my countrymen or of yours, believes persistently in seclusive nationalism, they will be forced by the rest who believe in rational internationalism. I know that international socialism broke down under the impact of militarism and deceit, and I am not advocating socialism; I am not decrying decent open-minded patriotism. I am saying that patriotism is not enough; I am saying that we belie the times, we do not see what the man in the workshop feels, we are blind to the humanizing effect of this horribly unhuman war, if we think we can or should proceed to draw a line through the Atlantic ocean and recognize the political fact of the American republic and the political facts of British and French states as the only

existing realities. My conviction is that if the upper classes, the educated and book-reading classes, cherish the principles of patriotic exclusive nationalism and nourish the idea that the state is the only reality deserving devotion, they will cut themselves off from the impulses of the masses of working people who are not devoted to national aggrandizement or national glory, and who take, perhaps, lamentably little pride in purely national grandeur, but have a deep feeling for the necessity of human rights and human progress. As far as internationalism is possible and sound and righteous, I do not like to imagine that it is to be the possession of the unlettered alone, or that those having political authority, education, and economic well-being will also not see the truth. In my judgment, we must look out and beyond and realize that this war has brought millions of men to speak in the terms, not of national aggrandizement, but of human rights.[1]

As I say all this, I pause in fear. The war can raise democracy to a new level; the war can

[1] In these days, when the failure of German socialism to live up to its theories is so clear, there is strong feeling in the minds of many men against internationalism because the word had been the plaything of the Socialists. I hold no brief for socialistic internationalism. I simply maintain that the interests of the world are too nearly one to endure grasping and essentially selfish and self-centered patriotism.

banish narrow-souled, mole-eyed provincialism; the war can bring in new life and hope for men who fain would live in friendliness, unthreatened and unafraid, only if Germany is beaten, or if she beats with her own recreated better self the foul spirit of militaristic despotism which menaces the world and sears her own soul. And so let us not look too brightly forward; first let us win on the battle field our right to live in friendliness in a world of peace.

There is no complete wisdom in our fondling our hopes with overmuch assurance. There are some things which we might as well look in the face. Half a century ago Prussia cast Austria out of Germany—I was about to say out of Europe—and bade her be content with her job, which in faith was big enough, of holding and ruling various uneasy nationalities in the European east. It is only an exaggeration to think of Austria-Hungary as an oriental state, though she did not extend her dominion and exercise her power totally by Asiatic methods. To-day Germany has subjected Austria; and Germany reaches out and beyond—across Bulgaria and Turkey on into Mesopotamia, and over the territory of Western Russia. The nations that stand in her way are to be crushed out or submerged, if Pan-Germanism has its

will. Some of the appearances of sovereignty and independence may remain in the semi-vassal states that now are her allies. On the other hand, those nationalities of the near east claiming a right to think and live independently can take their choice: either be expatriated, driven into the open places of North Africa, or become the hewers of wood and the drawers of water for the lords of the new vast domain with its headquarters in Potsdam.

The principles on which the new imperium is to rest I call oriental, not European. You may say I exaggerate; possibly I do. You may say all Germany wants is economic opportunity and a corridor to the east; I hope that is all. I hope I am wrong if I see Germany cutting herself off from Europe and setting up an Asiatic imperium. I am, moreover, willing, nay, anxious, to admit that this new antique Asiatic despotism, if established, would find hard work in overcoming the tendencies of democracy and overcoming the life and the spirit of the subject nations. But you know, that the military clique, the present masters of Germany, intend to be the rulers in reality of that vast dominion, and that in their opposition to any sentimental regard for oppressed nationalities they are fervently bitter. You know that they have de-

veloped a political and social philosophy which sanctifies conquest and deifies tyranny. You know they are at least partly responsible for Armenian extermination, and probably for the process of annihilation now in progress in Serbia. You know that some hundreds of professors have signed a document which not only justifies conquest but denies the right of the conquered people to any share in the government of the empire. You know that this process of expansion will necessarily be based on brute force and be saturated with the most vulgar materialism, and that the dominion must develop all of the most odious processes of imperialism because its purpose is to hold subject nations in a condition of servitude. You know that there are or have been two parties in Germany, one determined by hook or by crook to acquire an eastern imperium, the other hanging on to the occident and still hoping not to be estranged entirely from the west in policy, politics, or economy. You know that just now the eastern party holds the whip hand. Let us pray that it is riding to a fall.

In 1913 a colleague of mine heard a concourse of intellectual people in Berlin applaud with enthusiasm an orator—a professor, I believe—who announced his abhorrence for *Parlimen-*

tismus, Presse, and *Poebel.* Parliamentary government, the newspaper and the populace, these are the foundations of occidental civilization. Can any one doubt that Germany stands at the parting of the ways, or is already well along to orientalism, lured like the seaman of old by the riches of Araby and India?

Well, suppose one small portion of this comes true—suppose Germany holds in her grip western Russia and reaches out from Potsdam that mailed fist to squeeze her vassals in the near east and Asia Minor, where shall America stand? With what is left of occidentalism in Europe? Or shall we say it is no concern of ours; France can rebuild her own villages, if she can find the fragments; and as for England, what have we to do with the creator of parliamentary government? Plainly enough, in the presence of defeat or of victim, the English-speaking peoples must defend and build up the principles of occidental civilization.

All this, you may say, is but a nightmare. Possibly there is no foundation for fear. And by referring to Pan-Germanism as oriental, one may appear to do injustice to the orient, for the present orient has been quickened by occidental liberty. I would not for the world cast aspersions on Japan, in whose intelligence and out-

look I have faith. I mean the ancient orientalism. I mean those tenets and principles of dominion and of empire-building which the old faded empires followed. To call the doctrines of Pan-Germanism medieval would be the grossest flattery. Pan-Germanism may fail, beaten in Germany itself, too retroactive, too much out of joint, to stand the normal repulsions of conscientious decency. But it is the domineering Pan-German whom we face,—there is the alternative: between occidentalism and the old tawdry empires of cruelty and despotism.

If this war ends with armaments undiminished, with alliances that are practically great Roman empires bristling with bayonets, if ancient orientalism stalks abroad in Europe, where is America to stand? Alone? Are we to fear Britain on our northern border and take responsibility for the restless republics southward to the Horn?[1] If the war ends in hostility and preparedness between nations—which may God forbid—can there be anything wiser than the actual structure by cooperation of the "Anglo-Saxon block," which Germany had determined to demolish? If, on the other hand, the war

[1] By this is not meant that America must under all circumstances take responsibility for Central and South America, but that in an armed world responsibility of a semi-military character may be a necessity.

ends with a peace of peoples, the responsibility rests with Britain and America in friendly co-operation to make it real and abiding. I want to preach a community of responsibility which, if it be real, if it be democratic, if it be wholesome, must rest on generosity and freedom, not on dictation. History would seem to offer some hope that the principles of liberalism which Britain has displayed on an imperial scale, may be the cement of nations, the binding principle of international good fellowship as it has been of empire, and that the ethics of democracy, which have been so eloquently spoken by President Wilson, may be accepted as the basis of a peaceful world.

Irrespective of all identity of interest because of common origins, one simple hard fact stands plainly before us. Britain is the nation with which America has the most intimate physical relations, the territory of one great commonwealth of the Empire borders ours on the north for three thousand miles. Moreover, in the Caribbean Sea there are extensive British possessions and strong outposts for the British navy. Her interests there demand protection, especially so if we also consider that the canal route is for her and her constituent commonwealths a matter of much consequence. The

two nations may watch each other suspiciously and stand ready to attribute every word or act as evidence of greed and hostility; or they may see that the interests of the two peoples are intimate and mutually supporting. For America and England to quarrel over the conditions and prospects in the Caribbean would be the apotheosis of folly; nothing contributory to the actual benefit of either could be detrimental to the interests of the other. Both are interested in a free open canal; both are really interested in the prosperity and productivity of the region. It is more than possible, however, that suspicions may arise and wax into hostilities; if they do, it will be because one nation or both act and appear to act on the old basis of selfishness, a selfishness which will not in actuality be self-interest, but short-sightedness. If they do not become enemies, it will be because the peoples abandon the old-time futile and senseless idea that, for economic profit and for a vague thing called patriotic grandeur and glory, political domination and possession are necessary. Germany's economic progress and intellectual influence, great as they were, might have been much greater, had she abandoned, instead of aggressively worshipping the idol of political overlordship and the forcible extension of her

authority. Has this great war disclosed to us the fact that such mistaken ideas are destructive of civilization and are a relic of the time when the glory of a monarch and his riches depended on the extent of his dominions and on the number from whom he could extort taxes and raise soldiers? Certainly to a very great extent the peace and good understanding between Britain and America depend on a frank, open-hearted and intelligent recognition of the mutuality of interests in the Western Hemisphere.

President Wilson has proposed no less idea than the establishment of the Monroe Doctrine of the world. What does that mean? It means, not British or American or Anglo-Saxon imperialistic control, but the right of a nation to live freely and to be protected from political and industrial exploitation. It means that the stronger must help and protect, not dominate and exhaust, the weak. It means all possible emphasis on the friendliness of nations and the community of interests. But it does not mean isolation and contrariety; it cannot and should not mean spheres of influence, by which is meant places for economic manipulation; it means self-determination, but not seclusion or exclusion.

If Great Britain and America, acting in this spirit, striving to give expression and greater

reality to actual international solidarity, can create the Monroe Doctrine of the world, then all past achievements will seem as tinsel, save as they prepared that consummation. Let no one cite history to refute me. History, which is *not* a basket of pebbles but a course of human growth, never before saw a world of men crushed by the same weight of anxiety, thinking the same thoughts, reading the same news. Until some fifty years ago this earth had not seen hundreds of millions of men and women that could even read and write. I do not expect the millennium; but I do expect a changed world, and I do expect that the English-speaking peoples, with no sense of superior and exclusive culture, but with a profound conviction of duty growing out of their own past, will unite in feeling and in interest to play an honorable, helpful and civilizing rôle in the world at large.

"This ideal of an organized, free cooperative basis for the future Society of Nations, which would have appeared chimerical before the war, is so no longer, though many generations will elapse before it will be in full working order. The interesting point is that in the British Empire, which I prefer to call (from its principal state) the British Commonwealth of Nations, this transition from the old legalistic

idea of political sovereignty based on force, to the new social idea of constitutional freedom, based on consent, has been gradually evolving for more than a century. And the elements of the future world Government, which will no longer rest on the imperial ideas adopted from the Roman law, are already in operation in our commonwealth of nations and will rapidly develop in the near future. As the Roman ideas guided European civilization for almost two thousand years, so the newer ideas embedded in the British constitutional and colonial system may, when carried to their full development, guide the future civilization for ages to come."

Who spoke those words? Some book-read philosophic dreamer, carefully shielded from harsh reality? Some wordy British orator, seeking to exalt and magnify political authority and split the ears of the groundlings? Some self-satisfied islander, boasting of insular achievement? None of these, but a general, openly acknowledged as skillful, brave and resourceful; not a Briton at all, but a Boer, who less than twenty years ago was leading the armies of the Transvaal against the armies of Britain; not an orator by profession, but a man of affairs, who, having crushed the German armies in Africa, came to England as the repre-

sentative of free South Africa to consult on the needs and duties of the empire.

General Smuts of South Africa, resting his hope on what has been done, looks forward to a world built on the principle of cooperation and freedom. This is democracy as a principle of world order; the principle of self-development strengthened by companionship. This is an extension of the spirit of democracy till it forms the essence of international relationship. Will any of us cynically hold back and deny our own selves in the wider currents of the world? Those that think it all a dream may be right; but please do not quote history to establish your position. Only a few decades ago this world was a serf-holding, slave-holding, slave-trading world. Only two centuries or so ago religious liberty was almost unknown, and the claims for its acceptance were considered blasphemous immorality.[1] The mills of the gods do not always grind slowly.

[1] It is quite impossible of course to say where the principle of religious liberty was adopted in the New World or the Old. No one would venture to say before 1650, and it might be safer even for America to say the last quarter of the 18th Century. But any one clinging to the delusion that international hostility built on a misconception of actual interest, is bound to be maintained permanently because of the warring character of national sovereignty since the establishment of national states, will profit by considering the course of the development of religious liberty.

THE MONROE DOCTRINE

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The history of the Monroe Doctrine is a long and complicated story. It is so because it contains within itself a very large portion of the diplomatic history of the United States. It is all the more intricate and intangible because it is not a distinct, clearly defined, legal principle, but a policy based on historical experience, and, in addition, an attitude of mind and a sentiment, a sentiment often crudely expressed and often doubtless of uncertain significance in the mind of the average man, but nevertheless very real and very actual.

To understand it at all we shall have to look first at its earlier expression and its broader bearing. As we carry the story forward we shall see, I think, an interesting historical process—to put it briefly, we shall see the breaking away from Europe and the implication and consequence of the most significant fact, and in the end, after a hundred and forty years of more or less complete separation, the return of the United States to Europe. This return, however,

was not that of a repentant prodigal. The United States and a large portion of Latin America have come to Europe with power and with a proposal that Europe herself accept the principle of a rejuvenated, enlarged, wholesome doctrine still bearing the name of the fifth president of the United States.

From the time of the discovery of the Western world till the United States was established as a separate nation, the American continents were stakes in the game of European diplomacy and maneuvering for power. It may possibly be unwise to go as far as Professor Seeley in his fascinating little book, *The Expansion of England,* and explain all developments of British and French hostilities from the accession of William and Mary to the downfall of Napoleon as due to rivalry for America and trade in America; but there is certainly no exaggeration in saying that in all or nearly all of the controversies of western Europe, the desire for possessions in America or the control of American trade had a large share. As far as British history and British policy alone are concerned, this is notably true from the time of John Hawkins and Francis Drake.

When the United States became independent, a change was wrought in European politics. The

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territory, covered by the new nation, which reached from the Atlantic coast westwards to the Mississippi, was no longer the property of a European nation; its development was no longer immediately affected by the decisions or the ambitions of a mother country; it could not very well be considered merely a pawn in the play of European rivalries. This new nation might conceivably, if it so chose, enter the game itself and become engrossed and entangled in the hereditary controversies of Europe, or it might hold studiously aloof, refusing to take part in the diplomatic enterprises or antipathies of the Old World. But, it is obvious, if the United States were to be really independent, it must have the opportunity to live its own life, or—to say the same thing in a different way—if it would lead its own life and shape its own destiny, it must keep from the burdens, the animosities and the rivalries of Europe. To the extent that the United States freed itself from European irritations and limitations it became independent and self-determining. Such statements appear too self-evident to need announcement, but they underlie the history of the Monroe Doctrine; their acceptance is necessary for any proper consideration of American diplomacy, and possibly I should say of European

diplomacy also. When European politics was no longer complicated by the presense of ambition for American dominion, and when America was cut free from the policies of Europe, the political world entered upon a stage essentially different from that in which it had been moving from the day when Columbus came sailing back out of the Sea of Darkness announcing that he had found a new route to the riches of the east.[1]

In the first decade or two after our Revolution, there was insufficient appreciation in Europe of the fact that the United States had really become a distinct nation, and as a matter of fact there was not full appreciation in America. We were looked upon as a sort of strange outcast, this new nation on a new continent pretending to put into practise disagreeable and wholly illusory principles of government. It was hard for the Old World to treat the upstart with the customary superficial courtesy of

[1] For the purpose of making the position plain, I have possibly allowed myself exaggeration in the paragraphs above. But no one can well exaggerate the importance to the United States of actual separation from Europe if the country would be really independent. Of course—and this thought follows naturally in the pages that follow—the fuller and more nearly complete change came when the Spanish and Portugese colonies in Central and South America became independent, and when the United States asserted that those states too were free from the policies of Europe and from the intrigues of European diplomacy. One of the most telling and eloquent passages in the speeches of Richard Cobden presents the beneficent effect on Europe of the freedom of America.

studied diplomacy. Even America was shaken for years by contentions growing out of European politics and did not immediately slough off the sense of colonialism. Washington, as usual looking facts full in the face, saw the simple sense of the thing. Writing as early as 1788 to Sir Edward Newenham, he said: "I hope the United States of America will be able to keep disengaged from the labyrinth of European politics and wars." John Adams, a sturdy American, told Oswald even in 1782 that he was afraid of the new states being made tools of Europe.

The outbreak of the war between England and France in 1783 gave opportunity for an exposition of American independence; and the United States, under the guidance of Washington, Hamilton and Jefferson, took a position which was of immense consequence for the succeeding years. The treaty of alliance that had been made with France some years before furnished perplexities; and France, sending a Minister to America, proceeded to act as though we were to be used as she saw fit. Then it was that Washington issued his proclamation of neutrality which, enlarged by contemporaneous legislation, may almost be looked on as the beginning of modern principles of the duties and responsibilities of neutral nations. Our government had no

intention of being embroiled in the European conflict, though the people of the United States were soon divided into bitterly contending factions known as the British and French factions.

The belief that we must stand clear of European entanglements, and must live our own life, soon became general, however; for the average American felt that his country had a character and a purpose different from that of the Old World. Jefferson, writing to our representative in Spain (1792), said: "With respect to their government, or policy, as concerning themselves or other nations, we wish not to intermeddle in word or deed, and that it be not understood that our government permits itself to entertain either a will or an opinion on the subject." A short time later he wrote to another, "We have a perfect horror at everything linking ourselves with the politics of Europe." Washington's Farewell Address, which was intended in part to express disapproval of factious disturbances in America, pointed clearly to the necessity of our maintaining ourselves in a position of positive independence free from European complications: "Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially for-

eign to our concerns. . . . Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest or caprice."

"It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is the best policy. I repeat it, therefore let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them."

If any one could be more explicit on this subject than George Washington it was Thomas Jefferson who came to the presidential chair just at the beginning of the nineteenth century. Washington and Hamilton might see and did see the wisdom, the practical necessity, of maintaining America's freedom from European policy; they might and did see the necessity of America's occupying a position of dignified

aloofness. But to Jefferson this attitude was more than a matter of calculated wisdom; his sentiments, his inmost feelings, prompted him to turn from Europe, all its wars and all its inherited problems, policies and perplexities, to the new life of the young nation whose destinies were in its own hands and who could, if it would, lead a life of freedom and take advantage of opportunities never before offered a people to press forward toward a better, simpler and happier existence. This whole-hearted enthusiasm for the future America, this sense of distinct opportunity and distinct destiny, this continuous consciousness of America's having broken away from the ills and burdens of Europe, was an essential portion of Jeffersonism. No one familiar with American history is likely to be blind to the influence of Jefferson; but he was influential, after all is said, because he embodied in himself the native aspirations, the impulses and the emotional reactions of the great masses of the plain people. They had broken away from Europe; they looked forward with buoyant hopes; they looked westward across the continent not eastward across the Atlantic. Jefferson's aversion to what was essentially European was typical; it but expressed the growing

sense of the people. The words of his first inaugural address, one of America's great state documents, may appear naïve and unsophisticated; but Jefferson was neither. He speaks of being "Kindly separated by nature and a wide ocean from the exterminating havoc of one-quarter of the globe; too high-minded to endure the degradations of others, possessing a chosen country," etc.

If we remember that no other man in American history, except Lincoln, so thoroughly impressed himself on the mind of the people, and if we remember that to-day, after the passing of a century and more, the people of many sections of the country refer to Jefferson almost as they would to the scriptures, and perhaps quote him more frequently and correctly, we shall get some idea of how firmly the American believed that European ways were not our ways nor European burdens our burdens. "We should be most unwise, indeed," he wrote in 1803, "were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from the foreign contentions, the paths of industry, peace, and happiness, of cultivating general friendship, and of

bringing collisions of interest to the umpirage of reason rather than force.[1]

When the great territory of Louisiana was secretly ceded by Spain to France in 1800, a new situation presented itself. News of the cession caused excitement in America. This excitement was perhaps chiefly due to the fear in the minds of the western men, the inhabitants of the eastern half of the Mississippi Valley, that the great river would be permanently closed to American commerce; but there were also misgivings at the thought that a powerful nation, like France, might once more obtain vast territories in America. This possibly was the beginning of opposition to the notion, still firmly implanted in the American mind, that the continents of America are to be parceled out and distributed by treaty and barter among the nations of Europe—an unworthy sentiment you may think, if it has not prevented America in one way or another from annexing territory and people, but a real sentiment nevertheless. Had the Americans known the grand schemes, which soon

[1] The course of Jefferson's administration (1801-1809) was marked by effort to keep the United States out of the European conflict and to carry out his theories concerning the folly of war. He made on the whole, a noble struggle, and it is one of the strange ironies or mishaps of history, that Madison, his successor and disciple, finally had to lead America into the conflict and to add her feeble strength to that of Napoleon.

found lodgment in the mind of Napoleon, to take possession of a large part of Central and South America, one of those schemes of a world-empire which make even the dreams of Pan-Germany seem less fanciful and damnable than they are, there might well have been, in the early years of the nineteenth century, still greater objection than there was to the development of a French colonial empire. This particular danger was, however, avoided; in 1803 France ceded Louisiana to the United States, and in 1812 we were fighting against Britain, fighting the foes of Napoleon.

The uprising of the Spanish people against Napoleon in May, 1808, is an epochal fact in European and American history. The French emperor was face to face with aroused nationalism, but the uprising threatened more than the extension of despotic power in Europe; it produced the speedy dissolution of the Spanish empire. Soon the Spanish dominions in America were in revolt; one by one the states of South and Central America were engaged in revolution, and one by one as the years went by they succeeded in maintaining their independence. It is needless to remark on the momentous significance of the disruption of the massive empire which at one time encircled the globe. It is

noteworthy that Jefferson wrote as early as 1811, referring especially to West Florida: "The United States could not see without serious inquietude, any part of a neighboring territory, in which they have, in different respects, so deep and so just a concern, pass from the hands of Spain into those of any other foreign power." This was an early statement of the doctrine or belief that the United States had an immediate and primary interest in the passing of Spanish American territory into other hands, though of course West Florida was contiguous territory in which we had far more than sentimental interest.

As these southern revolutionary governments acquired a certain amount of stability, there arose the question of recognition by the United States; but no definite step in that direction was taken until 1821. In 1822 a representative from Colombia was received, and soon after a number of other states were thus formally recognized. On the whole we had been exceedingly cautious. We might naturally have misgivings about the permanence and stability of these new commonwealths; for the people had had no such preparation for the tasks and burdens of government as the English colonists had when they broke away from the mother country. Still rec-

ognition was necessary and wise; and it furnished the basis for the proclamation of Monroe, which forms the main topic of this paper.

From this brief story of our recognizing the South American states as members of the family of nations, must not be omitted the popular interest and enthusiasm in the United States over the new-found liberty and independence of these South American neighbors. There was joy over each new soul that repented and entered what was fondly imagined to be the Eden of democratic government.

But meanwhile events had taken place in Europe which were to have effect on American conditions and policies. The Old World had accepted the Metternich principle of "legitimacy," which on its positive side meant obedience to an established monarchical government, and on its repressive side meant the beating down of popular intrusion upon the sacred right and power of the crown; all mankind must be kept closely confined within the limits set by autocratic government. The Holy Alliance, as it is popularly called, was an international union or understanding of the most rigid and determined character. Its beginning was in a documentary statement of principles drawn up at Paris, September 26, 1815, a few months after

the overthrow of Napoleon, the arch enemy of European dignity, the disturber of placid, legitimate autocracy. The avowals of this memorable document are of a very moral, or at least of a highly religious, character: "The policy of the powers, in their mutual relations, ought to be guided by the sublime truths taught by the eternal religion of God our Savior," . . . and . . . "the precepts of that holy religion, the precepts of justice, charity and peace." . . . Considering themselves all as members of one great Christian nation, the three allied princes look upon themselves as delegates of Providence called upon to govern three branches of the same family, viz., Austria, Russia and Prussia." It is an interesting and curious fact that this holy religious alliance, supposed to embody the will of divine Providence, was entered into by one state which was the home of thoroughly solidified Roman Catholicism, by another which was the center and power of the Orthdox Greek Church and by a third which was predominately Protestant. The pious, solemn, religious tone and temper of the document was attributable to the strange mystical spirit of the Russian Czar, and he was doubtless quite sincere and quite earnest in his sense of religious obligation.

In these latter days when we are thinking and speaking so seriously of a league of nations and of a world organization based on justice, this old, pitiful, narrow-souled Holy Alliance sometimes gives us pause. Are we too setting up as eternal and unchangeable and as a principle to which we dedicate our souls, a mere subjective doctrine which, a hundred years from now, will appear childish, rigid, unadapted to human needs, profitless? But there are vast differences between the spirit of the Holy Alliance and that of the present: the old alliance was based on the theory of divine right and absolute government; the new proposed league of peace is based on the principle of self-determination and democracy. The old wished to perpetuate what the passing years had already nearly demolished, it was already decadent; the new seeks to establish more firmly principles that certainly are not dying but entering into new vigor. The old, fondling principles of justice and right, sprang not from the hearts of peoples, but from the crowned heads of absolute monarchs; the new is based on a recognition of broad popular needs, on the cravings of humanity. That in times gone by, alliances, pious manifestoes, balances of power, congresses of nations, concerts of Europe and the like, have

proved ineffective and unhuman, is an argument in behalf of higher and better effort, an evidence of a need and a duty, rather than proof that no international arrangement is desirable or possible. History may well make us cautious and doubtful of the plenitude of our wisdom; it may make us confident that no régime has the qualities of perfect and unchanging stability; but to use the failings of the past as an argument against effort for the future is to argue for placid acceptance of everything and the hopelessness of human endeavor. To argue thus would be no wiser than to put up with the "divine right" of kings, the immobility of authority, the invincibility of legitimacy, and the impossibility of extending human rights and welfare.

Two months after the formation of the Holy Alliance, an agreement was made between Great Britain, Prussia, Russia and Austria to act together in the management or control of European affairs, and a few years later France was admitted to the combination. The purpose of the arrangements announced at the Congress of Aix-la-Chapelle was to preserve the peace of the world. It was declared to have "no other object than the maintenance of peace and the guarantee of those transactions on which the

peace was founded and consolidated. . . . The repose of the world will be constantly our motive." In 1821 this Alliance announced that they had "taken all of the people of Europe into their holy keeping and that in the future, all useful and necessary changes in the legislation and administration of states must emanate alone from the free will, the reflected and enlightened impulse of those whom God has rendered responsible for power."

A break came in 1822; Britain, though then largely influenced by the semi-reactionary forces, which the long struggle against Revolutionary France and the Napoleonic empire had strengthened, was out of place in a combination of pious, hard-hearted, divine monarchs and wily ministers, whose main object in life was to crush out every symptom of popular unrest and stamp upon every tendency to liberal government. Wellington, the British representative at the Congress of Verona, refused, under instructions, to sign the extraordinary pronouncement of that body,—and no wonder, unless all sense of English political liberty had been lost; for the Allies announced their intention to put an end to the system of representative government in whatever country it might exist in Europe; they were convinced

that such a system was "as incompatible with the monarchical principles as the maxim of the sovereignty of the people with the divine right." They promised to suppress liberty of the press and "to sustain, in their respective states, those measures which the clergy may adopt with the aim of ameliorating their own interests, so intimately connected with the preservation of the authority of Princes," inasmuch as the principles of religion contribute most powerfully to maintain passive obedience.

Before and after the treaty of Verona, words were transmuted into action. Austria overthrew the parliamentarians in Naples, and crushed a revolution in Piedmont. French forces moved into Spain and won a victory for legitimacy, and a like action in Portugal would have been taken probably, had not England announced that she would use her power to prevent it. Curiously enough, Greek troubles gave in reality the quietus to the unholy effort of the pious combination of legitimate sovereigns. Did the principle of legitimacy santify the power of the unspeakable Turk, and must the combined powers smother the Greek revolt as they had smothered the revolutions of Italy and Spain? Such consistency was too much for the tender, governmental and commercial con-

sciences of the holy monarchs; and so the British, French and Russian ships of war beat back the Turk, and the independence of Greece was established.

This brief presentation of European conditions serves as a background for the Monroe Doctrine and for American opinion. Imagine, if you can, the sentiments and the resentments of Adams, Clay, and Webster, of the old Jefferson, the writer of the Declaration of Independence, of Madison, not improperly called the Father of the Federal Constitution, and of James Monroe. Imagine the feelings of the main body of the American people, who were just then coming into the full heritage of the new continent and enjoying the sweets of political controversy and an unlicensed press. We are sometimes amused at the American patriotic fervor of those decades, at the people's exultation and exaltation, at their pride and self-confidence, at their assurance that they had the better part and the true life, at their feeling that they, separated from the "degradations" of Europe, were thrice blessed and were smiled upon by the God who cared for human freedom and justice. But we need not be surprised that, for decades to come, American destiny and the precepts of a boastful democracy were cher-

ished with a passionate devotion by a people daily gathering strength and, with astonishing rapidity, changing the wilderness into farms and villages.

But the statesmen of America knew that despotic repression was not confined, if the Holy Alliance had its way, to Europe alone. The European allies were seriously contemplating the overthrow of the new Latin-American governments; and in 1822 and 1823, the dispatch of a French fleet and army to South America appeared not improbable. Fortunately for her own reputation and fortunately for mankind Britain was opposed to this enterprise; and fortunately too the British foreign office was in the hands of a man of whom it has been said that "He was the first English statesman to realize the future power of the United States and the value to England of a good understanding."[1] George Canning was prepared to take a determined stand against the intrusion of the allied powers in American affairs. Those that wish to credit the British position to a cunning recognition of the advantages gained by British trade in the free states of the new world, and those wishing to see in Canning's statesmanship mere hostility to French power, may,

[1] *The Monroe Doctrine*, by A. B. Hart, p. 49.

as far as I am concerned, cherish their beliefs. But I prefer to believe that British democracy was too far advanced to promote tyranny, however blessed by the name legitimacy, and I prefer to see in Canning a man with insight, outlook and breadth of vision.

We must now turn to Russia and see American relations with that country. In doing this, we must remember that Russia was not only one of the leaders of autocratic repression of popular government, but also an American power with considerable territory in the northwest and with even larger pretensions. In the interviews between the Russian minister at Washington and John Quincy Adams, Monroe's Secretary of State, we find a delightful antithesis of interests and of principles. Adams was a seasoned diplomat, entirely American, thoroughly equipped by training and native ability for any emergency in diplomacy, unafraid and unabashed. He could be haughty, severe, direct and, if need be, abrupt, and he was not at all likely to be overawed by the assumed superiority of the august representative of the mighty, though religious, head of all the Russias. In these various interviews we find Adams outlining, with a precision which the Russian minister could understand, that the American

continents were no longer open to European colonization. "I told him specially," wrote Adams, "that we should contest the right of Russia to *any* territorial establishment on this continent, and that we should assume distinctly the principle that the American continents are no longer subject to any new European colonial establishments." The Russian minister emphatically announced that his country was devoted to the political principles of the allied powers, and he declared those principles to be "that power of union and agreement which in our times has created a new political system,—a new phase of European civilization—a policy whose object is simply to assure the peace of all states which compose the civilized world." (November, 1823.)

The situation was a trying one and not devoid of serious danger. Russia, as we have said, was an American power, setting up claims to a vast territory from the Arctic Ocean as far south as the 51st parallel; and in addition she affirmed, with obvious application to the new Spanish republics, the principles of the Holy Alliance, the principles of despotic government. Indeed, the minister's words, if taken literally, might well arouse the suspicion that the institutions of the United States, hostile as they were

in spirit to the political system of Europe,—this "new phase of European civilization"—should be swept out of existence. The objectionable doctrine of the equality of man and his right to self-government had been left too long to poison the air and fill the minds of the European populace with visions of liberty. The discussions with Russia form, therefore, an essential portion of the antecedents of the Monroe Doctrine.

One further word must be said before we take up the preparation and the significance of the famous message of December, 1823; and that word has to do with the position of Great Britain. That power still refrained from recognizing the Latin-American states, but her withdrawal from the Holy Alliance and her evident dislike of its principles weakened the combination all but fatally. Canning did not believe that the Spanish dominion in America could be reestablished and he was willing, therefore, to go some distance in letting the world know that both the United States and Britain objected to forcible intervention by outside powers with intent to crush the new governments. In all probability, the knowledge that Britain was at least partly in sympathy aided the United States and gave us additional confidence, though

we cannot see that Adams was deficient in courage or counted at all on British support. The principles that Adams cherished were strictly American, and we need not wonder at his hesitation in connecting American policy and purpose with those of the country which until a few months before had been a member of the political system of Europe.

It was decided, therefore, that the announcement should be made by the United States independently, and it was to stand more than once in the future as a bulwark against British development in the New World. Adams characteristically preferred a frank and independent statement rather than "to come in," as he later said, "as a cock-boat in the wake of the British man-of-war."

In the autumn of 1823 President Monroe was anxious and alarmed. He consulted Jefferson and Madison. There were various cabinet discussions, in the course of which we can in part trace the formulation of the doctrine. Both Jefferson and Madison were favorable to joining with England, and both for stating the position of the United States as the basis of free institutions. Adams was laborious, clear-headed, determined, and to him doubtless must be attributed the real authorship of the doctrine,

though Monroe's influence is by no means negligible. In one paper drawn by Adams, which may be considered the protocol of the finished message, occurs a paragraph that did not appear in the final draft; but it rings so harmoniously with modern pronouncements of international relationship that it deserves reading in full:

> "1. That the institutions of Government, to be lawful, must be pacific, that is, founded upon the consent, and by the agreement of those who are governed; and 2. That each Nation is the exclusive judge of the Government best suited to itself, and that no other Nation, can justly interfere by force to impose a different Government upon it. The first of these principles may be designated as the principle of *Liberty*—the second as the principle of national *Independence*—they are both Principles of *Peace* and of Good Will to Men."

Despite Adams's determination to let the Czar know what the principles of democratic government are, he objected to the President's indicating that the internal affairs of the European states were our concern. The declaration must be American and must make clear that the western continents were no longer to be the playthings of European politics or policy.

Monroe's message of December, 1823, contains the formal statement of principles which have ever since borne his name. After referring to proposals for settling the territorial claims on the northwest coast, the President de-

clared that the occasion had arisen for asserting "as a principle—that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Powers. . . ."

Reference is then made to the efforts that had been made in Spain and in Portugal to improve the condition of the people. "It need scarcely be remarked that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy to do so. It is only when our rights are invaded or seriously menaced that we resist injuries or make preparation for our defense."

"With the movements in this hemisphere we are, of necessity, more immediately connected, and by causes which must be obvious to all en-

lightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted."

"We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on great principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than

as the manifestation of an unfriendly disposition towards the United States."

The message further calls attention to the unsettled state of Europe, the interposition in Spain, and the natural interest of the United States in the question of how far this method of political repression may be carried; the policy of the United States has been continuously that of not interfering with the internal concerns of other powers, to cultivate friendly relations but not to submit to injuries. "It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course."

For our present purpose, it is unnecessary to discuss the effect of Monroe's announcement upon the European chancelries. It is sufficient to say that, on the continent, ministers grumbled and sneered at the impertinence of the presumptuous democracy that thought itself justified in dealing so boldly with a world problem.

In England, men received the news with expressions of satisfaction; and it was then that Canning coined the famous phrase about calling in the New World to redress the balance of the Old. Britain has since that time on more than one occasion claimed a paternal or at least an avuncular interest in the statements of Monroe.

Let us now look a little more carefully at Monroe's message to see what it contained or implied and what it did not contain. This is important because it formed the basis, as you well know, of a real doctrine which accommodated itself to the changing and developing desire, impulse, or sentiment of the people, and also, on the other hand, served to build up a vague, though often powerful, national sentiment controlling and shaping our foreign policy. Plainly the message was based on the fact that European principles of government, as exemplified by the Holy Alliance, were not American, and that, as we did not interfere in Europe, Europe should not interfere in the affairs of the Western Hemisphere. It included the assertion that the time had gone by when the New World was open to occupation and colonization by European powers; the western continents, moreover, were cut loose from the strategy of European intrigue and conflict. Up to this time

the United States had announced and practised isolation, save that it had been driven into the War of 1812; now inferentially at least the whole Western Hemisphere must be considered isolated from the broils of Europe. The message evidently placed emphasis on the interests and safety of the United States; it did not merely cast the protecting arm of a stronger brother about the weaker republics of the south. The danger uppermost in Monroe's mind was any effort of the Holy Alliance to set up and extend to America the political principles of Metternich and Alexander. There were "two spheres" of political interest and political principle, and, especially if we remember the attitude of America preceding 1823, it inferentially involved the avoidance of the tangled and destructive tendencies of European *Politik*.

Though it is not obvious in the exact words of the document itself, and though Monroe probably did not intend to lay down the distinct doctrine that interference by one state with the internal government of another was objectionable, such an implication is easily attached to the original declaration. We may find, therefore, in the moral basis of the message some reason for making it cover the principle of national self-determination, of which so much is

said in these latter days. We may be at least partly justified in believing that the framers of the message objected to the battering down of weak nations by the blows of a superior power or a superior combination of powers. On the whole, however, the message was chiefly concerned with the separation of the New World from the politics and controversies of Europe.

That the doctrine has for a hundred years been a helpful force in the world, all students of the doctrine heartily believe. The entanglement of America in European rivalries would have been unfortunate in the extreme. Aided and protected in some measure by Monroe's message and the sentiment which has been attached to it, the South American republics have been enabled to live their own lives and tread the difficult and stony path leading to peace and democratic order.

As the years went by after 1823, conditions changed essentially. Even before Monroe wrote his message, the Holy Alliance was on the verge of collapse; by 1830 the governments of Europe were in no condition to force the principles of divine right on the rest of the world; many of them had internal troubles of their own; the democratic virus was spreading contagion in Europe. Little by little, states became demo-

cratic, or semi-democratic, or put on the airs and carried some of the outward semblances of popular rule. To-day, Germany is the only state in which the monarch openly flaunts in the faces of his subjects his divine right and his divine mission to rule. And so the Monroe Doctrine of the last fifty years has been necessarily in some respects different from that of earlier days. It has no longer the support of the two spheres of political principles; France is now a democracy, and in 1823 it was France, presumably, to whom the allied powers intended to entrust the task of overthrowing the disobedient southern republics and bringing them under the yoke of Spain. Despite the changes in Europe, the Monroe Doctrine, unless it has undergone radical change since April, 1917, still objects to the extension of European authority or influence to the American continents. Our government would, I suppose, object to the intrusion of France or any other European power in the affairs of America and oppose the acquisition of territory in the New World. This sentiment of detachment, originally based on differences of political principle and on the need of distinguishing our primary interests from those of Europe, has maintained itself despite the growth of commercial communication with

Europe, despite intimate intellectual contacts between European peoples and ourselves, and despite the fact that, in time and in social interest, we are nearer France and Britain than we are to Brazil, Argentina or Chile.

Before attempting to explain the modern Monroe Doctrine, it is well to take up one or two other matters and to review hastily some of the more important historical occurrences of the last hundred years. In the first place, we should notice that Monroe gave, neither explicitly nor impliedly, any pledge that we should not extend our own territory in America. Doubtless Adams's principles of national self-determination would run counter to forcible conquest. Yet Adams said in 1823, "It is scarcely possible to resist the conviction that the annexation of Cuba to our federal republic will be indispensable to the continuance and integrity of the Union itself." We had, at that time, just annexed the Floridas, and it was not at all likely that the message was in any way intended to be a self-denying ordinance and preclude peaceful acquisition of territory. Before long we annexed Texas (1845), the Mexican war was begun, and by 1848 the territory of the United States stretched across to the Pacific and

we had become a Pacific as well as an Atlantic Power.

Whether Monroe's message involved the principle of respect for small nations or not, the time came, in the decades between 1840 and 1860, when America was in spirit imperialistic. This sentiment had various ingredients; it was partly land-hunger, partly boastfulness and sense of power, partly an idealistic belief that American institutions must be extended, partly only the old feeling of suspicion and hostility toward other nations,—an unpleasant product of that intense and exclusive nationalism which characterized the nineteenth century. Before 1850, the sentiment of which we have spoken was fully developed; it was not enough to object to the extension of European "principles;" not even by purchase, treaty or consent, was any portion of the Western Hemisphere to be acquired by a European power. Everything was to remain in status quo, unless we changed it by acquiring territory ourselves. The whole flamboyant doctrine of America for the Americans was quite naturally enunciated by Stephen A. Douglas, of Illinois, "the Little Giant;" it was a perfectly natural product of the politics of the confident, self-satisfied, highly imaginative, idealistic frontier, even if it was tainted

by much of the arrogance and the materialism of the Old World politics which these wordy American orators pretended to despise utterly. "Europe is . . . tottering on the verge of dissolution," "the Little Giant" exclaimed in 1845. "When you visit her, the objects which enlist your highest admiration are the relics of past greatness; the broken columns erected to departed power. . . . They bring up the memories of the dead, but inspire no hope for the living! Here everything is fresh, blooming, expanding and advancing. I would blot out the lines on the map which now mark our national boundaries on this continent, and make the area of liberty as broad as the continent itself."

Such spasms of oratory were of course characteristic of those feverish years, which Professor Dunning has wittily called "the roaring forties." They are only one degree worse or better than the secret policy or the expressions of flaming patriotism that could be discovered in the records of Great Britain, and probably really more human and respectable, than the practises and principles of Continental Europe. No one can look on the history of Europe or America in the forties with much equanimity, unless he remind himself that men were then

alive, who were to lead the nations on to better things in the last half of the century.

Before 1860 it was plain that the Government of the United States had assumed the position of guardian in the Western Hemisphere; but this guardianship, though partly based on popular suspicion of European politics and partly also on pride in American institutions, was on the whole, as expressed in the words of leading politicians, not much less than a policy of aggrandizement. If this is too harsh a judgment, it was a policy of hands off for Europe and a free hand for the United States; and the ethics of the diplomacy consisted in the duty of praising democracy and in looking keenly, almost intolerantly, at the struggling and distracted republics of the southern continent. Meanwhile there had arisen one of those startling contrasts, contradictions that vex and disturb the regular and seemly flow of history. In 1823 Monroe and Adams had given utterance to the sentiments of humanity in opposition to the cruelty and arrogance of despotic power; before 1860 the United States stood out before the world as the champion of slavery. Prating loudly of liberty, we held 4,000,000 black people in bondage. The foreign policy and the ethical principles of Monroe and Adams were

darkened if not deadened under the pall of slaveholding imperialism.

With the advent of Lincoln things looked better; the new Republican party was a liberal party and characteristically prepared to act openheartedly, or at the worst decently, in its dealings with weaker states. In the eyes of the Republican party, the old Democratic party was tainted by schemes of slavery extension. Seward, Lincoln's Secretary of State, was actuated by feelings of neighborliness and respect, and he openly announced the right of a state "to establish and maintain its own government without intervention, intrusion, or even influence, from foreign nations and especially from the United States." Anticipatory of President Wilson's later position was Seward's refusal to acknowledge, without delay, the authority of a usurping despot who with well-known agility and skill had pounced upon the government of his native state. Seward wished some kind of guaranty that the usurper's power had real basis and rested on popular desire.

Through the days of Seward (1861-1869) and in the administrations of the next two decades, there was, however, no recession from the principle that the interests of the United States in

the Western Hemisphere were above and beyond those of any or all European powers. Not only did we by a plain pronouncement of our displeasure drive the French from Mexico in 1866; but at later times we quite unequivocally opposed the establishment of European dominion and even the extension of permeating influence or control. The nations of Europe were given to understand that in the Americans the interests of the United States were paramount. No real leadership[1] among the American nations was set up, a leadership based on a recognition of community of interest and the wisdom of good understanding; but there was opposition to interference by an external power, an opposition as decided as Europe would have felt if America had, unsummoned, stepped in to settle the Schleswig-Holstein question or the Alsace-Lorraine difficulty. Our government, feeling more and more the actual necessity of freedom for her own policies, intended to be free from all perplexities arising from European ambition. Even Britain's position in Central America and the British attitude toward the

[1] Secretary Blaine did make attempts, not entirely without success, to build up co-operation between the Latin-American States and the United States; but it is probably safe to say that the dominant idea at the time was our interest as distinct from that of Europe.

canal problem were already vexing the soul of the American diplomat.

With this rapid survey of developments in the three decades after the Civil War, we must content ourselves; and we pass on to the Venezuelan controversy of 1895, when President Cleveland and Secretary Olney laid down with great distinctness what they believed were our rights and responsibilities and what the Monroe Doctrine actually was. Venezuela and Britain were engaged in a trying controversy over some roods of territory, each claiming the disputed land as her own. Britain refused to arbitrate, and Venezuela, though impotent, was angry. Suddenly the United States entered the lists, demanding arbitration; President Cleveland declared to Congress that a commission of our own should investigate the problem and reach its own conclusions, and that our government should maintain the findings of the commission. Secretary Olney in his verbal controversy with Lord Salisbury, was emphatic, not to say brusque, while Lord Salisbury was precise, not to say sharp in his retorts. The American Secretary, not clouding his assertions by clever circumlocution, openly proclaimed that "To-day the United States is practically sovereign on this continent, and its fiat is law upon the

subjects to which it confines its interposition. Why? It is not because of the pure friendship or good will felt for it. It is not simply by reason of its high character as a civilized State, not because wisdom and justice and equity are the invariable characteristics of the dealings of the United States. It is because, in addition to all other grounds, its infinite resources combined with its isolated position render it master of the situation and practically invulnerable as against any or all other powers. . . . The people of the United States have learned in the school of experience to what extent the relations of the states to each other depend not upon sentiment nor principle, but upon selfish interest."[1]

If anything could excuse such extraordinary —I feel like saying offensive—language it was the calm and maddening refusal of Britain to arbitrate and the deliberate failure of British ministers to recognize a state of mind and a policy which the passing years had produced. Probably both President Cleveland and his Secretary were convinced that nothing but harsh words and a very bold front would make any

[1] President Cleveland did give a basis for the doctrine that savors of morality: "The Monroe Doctrine finds its recognition in those principles of international law which are based on the theory that every nation shall have its rights protected and its just claims enforced."

impression on the British cabinet of those days. Lord Salisbury argued first, that the Venezuelan controversy conflicted not at all with the original declarations of Monroe and thus refused to recognize the development of American influence and popular sentiment; and he then announced that Her Majesty's Government must not be understood as accepting the Monroe Doctrine. Although I am ashamed to confess it, I am inclined to believe that, if Britain had not yielded, the majority of the American people would have gone willingly into war; they would have gone into war for an idea and because of resentment at what they believed were the selfish, dictatorial and unreasonable purposes of the British Government. Olney's words must strike one to-day as most extraordinary, as they did the writer of this paper twenty-three years ago. His reference to America's "infinite resource" and American mastery of the situation were, in the light of British seapower and our insignificant armed preparation, little less than ridiculous. Fortunately there were men in England who looked with horror on war between the two countries, and fortunately America's independent examination of the whole problem gave England an opportunity to recede without humiliation. Even

though the American Secretary may have intended to attribute to Europe alone the sinister principles of sordid selfishness, it is disheartening to think that only twenty-three years ago such crude and bitter utterances issued from the State Department with apparent sanction of their general validity. On either side of the water, diplomatic courtesy has rarely sunk lower.

The Monroe Doctrine came out of the controversy with new virility. It was, it seemed, no mere principle for the defense of popular institutions nor a mere doctrine of primary interest. The will of America in all European dealings with the New World was a matter of immediate concern; our fiat was law and our purposes needed no justification but our word. Senator Lodge defended the Monroe Doctrine simply and solely as a fact; it needed no explanation and no defense; it simply was. "We declare the Monroe Doctrine," he said "to be a principle which we believe essential to the honor, the safety, the interests of the United States. We declare it as a statement of fact, and we must have it recognized as our independence and national existence are recognized by all the world." Though he offered some slight modification, the doctrine appeared to be

that whatever was done or attempted by Europe on our side of the water must be done with our approval or connivance. Possibly as far as European interference in America is concerned, Mr. Lodge's statement is the Monroe Doctrine of to-day; but much water has flowed under the bridge since 1895; new perplexities have arisen and new responsibilities; a liberal and just conception of duties has come to the light, a conception which embodies ethical considerations and emphasizes justice and liberty and companionship and service, ideals which are also facts and they have been burned more deeply into our very souls by the gigantic misery of war. And yet, notwithstanding recent developments this must be said: the United States has a lasting interest in the affairs of the Western Hemisphere, and, if anything like the old principle of selfish politics is to continue in the world at large, the Monroe Doctrine will almost necessarily be a defense against any kind of foreign intrusion. With militarism triumphant, it may be used as an excuse even for offense by ourselves against Latin-American autonomy.

If the old régime in diplomacy and international relation is to remain—notice we already call it the old régime—then the Monroe Doctrine simply is a fact; we forbid and shall try to pre-

vent any interference with the Western Hemisphere, simply and only because we want no trespass on our chosen preserves, no lodgment, no influence within a field of operations which is primarily American. Under the old régime of suspicion and military menace, we are, I believe fully justified in simply stating the Doctrine as a fact without palliation or praise or verbal defense. It deserves no higher or better place, if that is all there is to it,—no higher or better place in the estimation of idealistic statesmen than any European doctrine or policy which would shut out foreigners from cherished areas of economic penetration and political overlordship. It may, I grant you, be even then less purely selfish than the European policy of like character; but, as it is stated by Mr. Lodge, it is fundamentally a policy, though based on history and fostered by a quasi-idealistic sentimentality, which secures recognition on the same ground as that on which spheres of influence and dictation are recognized in the old-time and give-and-take (especially take) of European diplomacy. Internally it will be, I trust, altruistic; its selfishness may be softened; but as a fact to be recognized by the other nations of the world it will make no higher, deeper or more human claims, than the assumptions of

the well-known policy of Europe. Only if the world accepts the ethics of a clean Monroe Doctrine can we expect it to rest on anything but force.

Before attempting to sketch the Monroe Doctrine of the present day, in so far as it deals with relations between American States, I must turn for a moment to the canal question, for about the Panama canal in recent years the problems of Monroeism have gathered. Rightly or wrongly, the United States has long had objections to any but an American owned and controlled canal. Useful to the world the canal might be; but once built it would be to us a necessity. Nearly forty years ago President Hayes declared that it would be "virtually a part of the coast line of the United States." It is unnecessary to recount the abrogation of the old Clayton-Bulwer treaty of 1850, and the making of the Hay-Pauncefote treaties of 1900 and 1901, which secured to America the independent right to build and manage the canal. We may also refrain from discussing our troubles with Colombia and our acquisition of the canal strip; we got the canal strip and we built the canal. I do not mean by this to justify or to condemn the ethics of our procedure; it is simply too complicated a problem for discussion here. We

banished malaria and yellow fever, and at an expense of about $400,000,000 we finished the canal. Let us pass over, too, the question of our right to fortify it; in the light of present conditions we should be in a pretty fix down there, if all we had to rely on were *fides Teutonica.* We omit, too, the discussion over the right to grant free passage to our coast-trade vessels; under President Wilson we removed the discrimination in favor of our own coast trade.

I have been hurrying on to a consideration of the later Monroe Doctrine. As the canal is ours, though free to the world, and as we have developing trade in the Gulf of Mexico and the whole Caribbean, that region has for us a peculiar interest. In a world of peace and good-will we could go thoughtlessly and fearlessly on; in a world of suspicion, armament, intrigue and heartless economic exploitation, we must be on our guard. To put the case strongly, too strongly, the Caribbean is within our sphere of influence; to put it mildly we must have in its waters or surrounding territory, no rival which actually threatens our power and our routes of communication. It is our Mediterranean, near at hand; we must hold its Gibraltar and its Malta; and it is our North Sea,—no Heligoland

in the Caribbean for us; Colombia and Venezuela are our Belgium, though a hundred times more perplexing and a thousand times less self-reliant. Such, I say, must be our attitude in general if the principles of force are to govern international relations.

Let us first notice the extension of our authority and the acquisition of strategic positions in this region during the last twenty years. In 1898 we secured the independence of Cuba; we established practically a tenuous and unselfish protectorate over the young republic and acquired a coaling station at Guantanamo. At the same time (1899) we accepted Porto Rico from the tremulous hand of Spain. In 1903 we obtained the canal strip and soon began our work on the canal. By a recent treaty, we purchased St. Thomas from Denmark. The Gibraltars and Maltas have been falling into our hands. By establishing quasi-protectorates over Santo Domingo and Haiti, of which I shall say more in a moment, we gained reasonable confidence that the important harbors in the island of Haiti will not pass into foreign possession, although our action was not primarily actuated by military motives. There have been infinite perplexities with Nicarauga; but these have been partly settled by our obtaining by

treaty, within the last two years or so, Great and Little Corn Islands in the Caribbean and Fonseca Bay on the Pacific. I do not mean to assert that all this extension of authority and all these acquisitions of strategic positions are due to deliberate policy to build up military and naval security; certainly there has been little or no evidence of imperialistic temper or desire among the people at large; but the fact remains, that in the last twenty years we have greatly strengthened our hold in the whole Gulf-Caribbean region.

If the task on hand were only to seize points of strategic advantage, it would not present extreme difficulty. But such is not the case; we do not desire to pounce upon helpless states or to enlarge our responsibilities. Aside from our feeling that the Caribbean is our Mediterranean because we must guard the canal and our routes of trade, what is the nature or what are the causes of the general problem? The nations of Central America and the northern coast of South America are weak, unstable and, in the management of public finance, far from frugal and economical. We often question their ability to maintain their equilibrium; we often question their ability to sustain thoroughly trustworthy governments capable of fulfilling their

obligations. No policy and no doctrine can transmute ignorance and idleness into intelligence, forethought and industry. Still we feel and in some measure have assumed a certain vague responsibility, at least a defensive responsibility, for these nations in their international relationships.

Because, or partly because, of the conditions just mentioned, we have found it necessary to take particular interest in the public financial conditions of these countries. Public debts due to foreign capitalists are a source of concern. European creditors do not quietly and patiently put up with careless disregard of public obligations. European nations may be tempted to use force to collect debts or may make the indebtedness a ground for actual political domination. On account of the apparently hopeless condition of Santo Domingo, American authorities in 1905, under the direction of President Roosevelt and with the consent of the government of Santo Domingo, took control of the customs revenue. This was brought about by a characteristically bold stroke of our President, who found that he did not need the consent of the Senate for such an undertaking, because it could be done by an "agreement" and not by a treaty. Two years later, in 1907, a treaty

was ratified by both governments. The condition in the Dominican republic and the need of action on our part are matters of much interest, for they show how conditions may in spite of ourselves force us into a quasi, semi-real, half-hearted imperialism. Santo Domingo was in a condition approaching industrial ruin and existed as a sort of phantom republic fast falling into decay. Irrespective of its public debt it might be even a breeding place for disease affecting the whole Caribbean region, the canal district and perhaps our own southern ports. I do not know how much the United States was affected by prophylactic motives as distinguished from political and financial needs, but if we remember how yellow fever aided Toussaint l'Ouverture to drive out the forces of Napoleon something over one hundred years ago, we may think that the mosquito helps to make history; it is no respecter of doctrines. But, however this may be, the patience of foreign creditors was nearing an end; and, if we were to protect the Dominicans from foreign interposition, it was necessary to do something. Fortunately the plan we adopted worked admirably; Santo Domingo, in the hands of American financial agents, began to look up; revenue was actually collected and honestly distributed,

and a recent writer,[1] to whose admirable treatment I am indebted for some of the statements in this paper, calls attention to the fact that an ex-president of the Republic went out of office without the help of a revolution and lived to die without the help of an assassin.

In the meantime conditions in Haiti were almost as bad as they had been in Santo Domingo. The American Navy restored order in the distracted so-called republic—more properly designated as a revolving despotism,—and finally in the administration of President Wilson, February, 1916, a treaty was made and ratified, granting to our government supervision of the finances of the country. Secretary Lansing announced that "the United States has no purpose of aggression and it is entirely disinterested in promoting this protectorate." We have no reason to suppose that this action was taken because of some secret imperialistic design.

I have already spoken of our arrangement with Nicaragua, whereby we secured territory; this arrangement was probably due, partly to our desire for possession of certain strategic positions, and partly due to internal financial

[1] Chester Lloyd Jones, in the *Caribbean Interests of the United States.*

and political confusion of the country. No final treaty has been entered into with Nicaragua authorizing our supervision of her finances; but American capitalists have done something and it is not unlikely that here, too, our government must step in to take charge of the revenues. Thus it is seen that we have been forced by the Monroe Doctrine, i. e., by our permanent interest in preventing foreign powers from obtaining new political authority in the Western Hemisphere, and by our sense of obligation and friendliness, to establish partial or real protectorates in the Caribbean region.

So far we have considered the perplexities arising from governmental incompetence and from the burden of the republic debts owned by foreign capitalists. But there are other problems on the whole more vexing and disturbing. If the Caribbean is our Mediterranean because of our interest in the canal, Central America and Mexico are our North African states. They are undeveloped and backward regions like those which have been economically penetrated by the European powers; they are like those backward nations which have been called the stakes of modern diplomacy. There are many causes for the present European war, but certainly one of them is the rivalry of the nations

for economic and political control in African and Western Asia. The temptation to extend capitalistic interest in Mexico and Central America is very great. The region is exceedingly rich and inviting; it cannot be left undeveloped; capital is needed and capital has already sought its legitimate opportunity. Because of the attractive fields for industrial enterprise, and because of our wary watchfulness, the Germans have sneered at the Monroe Doctrine, declaring that it is purely an economic pronouncement. This sneer at our pretended possession of altruism or of any purely political principles, this intimation that we are cherishing Monroe for revenue only, is of course unfounded, as perhaps I may show later; but certainly the present and probably the future perplexities grow out of economic conditions. As the shield of the Monroe Doctrine was first held up a hundred years ago to protect struggling independent nations from being crushed and free government from being overthrown, so now we fear economic exploitation and all its effects. We realize that European capitalists, that have made investments in Central America, may demand protection and security from their own governments, and that the call may be answered

by political interference or possibly by political domination.

I have said that the countries of the region are rich in certain natural products and natural resources. From them come great quantities of sugar, coffee, cocoa, rubber, lumber, fruit and, perhaps most important of all, petroleum. It is said that 7,000,000 bananas are exported in a single year and we now annually consume in the United States some 65 bananas for every man, woman and child in the land. Is it necessary to do more than refer to the oil deposits of Mexico and the Caribbean region, in order to call up a whole pandora box of cupidities and perils? The oil regions of Mexico are of vast extent and of great productivity. Oil fields, as yet largely unexplored but doubtless of much importance, lie in Colombia. There are, I believe, indications that the whole northern coast of South America will be found to be rich in oil. All this means a source of supply for oil-burning naval ships and for merchantmen, gasoline for automobiles and motor boats, lubricants for countless shafts humming in industry. If the war has taught no moral lesson and given us no political instruction, it has surely shown the overwhelming importance of four things—wheat, coal, iron, petroleum.

Thus, there arises the same sort of a condition as that which has troubled the political system of Europe for a generation. From this condition arise a series of questions. Does the flag follow the dollar? How far shall we allow ourselves to be imperialistic in politics by sending the flag to protect capital invested in what are called the backward nations? Can we allow foreign nations to obtain safety for invested capital by using their fleets? Can we allow our own government to use like methods? May we ourselves use any or all means, but must we lay the heavy hand of Monroe on a European government that would follow our example? With the best of intentions and with sincere desire to preserve peace, we are still faced with perplexities.

To make matters more puzzling still, we have to do not alone with foreign investments but with foreign companies and foreign individuals, actually owning and managing vast properties; it is not simply a question of investment by foreigners in the domestic enterprises of a backward state; the enterprises are British or German or American and are managed by resident foreigners. The industries of Guatemala, for example, are largely in German hands. It is declared that it is financially a German colony,

inasmuch as 80 per cent. of the capital is German. Of the total wealth of Mexico about 40 per cent. is said to be owned by citizens of the United States, about 13 per cent. by Englishmen, 7 per cent. by Frenchmen, and the most of the remainder by Mexicans.

In trying to reach some solution of these problems, America has taken notable steps in the last twenty years. Presented chronologically they appear as actual developments of an established and clear-out policy. Although the action taken in the case of Cuba, Santo Domingo, Haiti and Nicaragua are important illustrations of this developing policy, I need not refer to them again but will take up the announcements of principles. In a series of messages and discussions, President Roosevelt presented a number of very important assertions, some of which, we may see, do not contradict but help to support the principles and ethics of doctrine of President Wilson, which I am soon to discuss. 1. We must watch over the approaches to the canal. 2. We shall interfere with the Latin-American states only in case of real need. 3. We shall not use the Monroe Doctrine to excuse aggrandizement on our part. We must try to convince the nations of the Western Continent that no just and orderly

government has anything to fear from us. 4. We do not guarantee a state against merited punishment, but punishment must not result in taking of territory by any non-American power. 5. The Doctrine is a long step toward the peace of the world. "During the past century other influences have established permanence and independence of the smaller states of Europe." Through the Monroe Doctrine we hope to be able to secure a like permanence here. 6. The United States may be forced by the Monroe Doctrine, in case of flagrant wrong doing or the impotence of an American state, to exercise international police power in America. 7. The Monroe Doctrine is the cardinal feature of American foreign policy and we must back it up with a strong navy. 8. We do not intend to interfere abroad, though not without sympathy for unhappy peoples.[1] Mr. Root, whose influence in the United States is very strong, has on various occasions interpreted the Monroe Doctrine in a spirit of liberality and respect for the rights of smaller states of the Western Hemisphere.

The United States delegates to the Pan-American Conference at Rio de Janeiro, in 1906,

[1] I am indebted to Professor Hart's *Monroe Doctrine*, for condensed quotations from Mr. Roosevelt which I have used as the basis of the above statements.

were instructed by Secretary Root that it had been the long-established policy of the United States not to use armed force for the collection of ordinary contract debts due to its citizens by another government: "It seems to us that the practise is injurious in its general effect upon the relations of nations and upon the welfare of weak and disordered States, whose development ought to be encouraged in the interests of civilization; that it offers frequent temptation to bullying and oppression and to unnecessary and unjustifiable warfare." The next year, this principle was advocated by the American delegates at The Hague Conference and it was at that time formally adopted. The contracting nations thus agreed not to use armed force for the recovery of debts claimed from the government of one country by another; but the abstention from force was not to apply in case of refusal to arbitrate or failure to submit to the award of arbitration. This doctrine or principle, commonly called the Drago Doctrine, was first formulated by Louis M. Drago, of Argentina:[1] but it is not too much to say that, though coming originally from the Argentine, it found its place in the accepted public

[1] The doctrine originally advocated by Drago was somewhat more drastic or comprehensive than it was in the form adopted at The Hague.

law of the world largely because of advocacy by the United States; it was a child or a protégé of the Monroe Doctrine.

By 1913, an enlarged, clarified and humanized Monroe Doctrine had begun to take very definite shape, a doctrine which did not contradict the old doctrine of Monroe, but was, as far as the affairs of the Western Hemisphere were concerned and as far inter-American relations went, explicit in its statements, frank and not ungenerous. Geographically the doctrine was, perhaps, more limited in *practical* application than it had been before; for unless conditions have greatly changed, as they indeed may have already changed because of the German danger in Brazil, the Monroe Doctrine had come by 1913 to be chiefly concerned with the area north of the equator, the area of the Gulf and the Caribbean. The center of interest was the canal. But the mere shifting of the center of gravity toward the region of the canal was by no means all. Based on the intrinsic morality of the old Monroe Doctrine and attached to it, were now certain positive statements not only of policy but of international ethics. We have seen that the old Doctrine did not pledge America to refrain from any sort of activity in the new world, though possibly its moral implications

involved consideration for the rights of other nations; we have also seen that the Doctrine fell in the course of time to be only a statement of fact which must be accepted by other nations; it fell to be a statement of fact that the American continents were our business and not Europe's and that what we did here within our sphere of influence (Olney said "sovereignty") was nobody's concern but our own.

As I have said, before 1913 there was the beginning of something else; preparing to defend American States against acquisition of territory by European powers, we went further,—we stated our objection to the use of force to collect debts, we helped in writing the modified Drago Doctrine into the international law of the world. We went still further; we were developing the reverse side of the Doctrine, bringing out not so much the side of the shield that faced Europe and warded her off, as the side that faced the Western Hemisphere. The Doctrine became quite as much a principle of inter-American relations as a warning to the rest of the world; it began to show a comprehension of duty and responsibility; it was dimly seen to embody a conception of ethical internationalism to be applied in all inter-American relationships; it was coming to be looked upon as a

guaranty of peace and good neighborhood within half the world.

It remained for Mr. Wilson not only to sum up in words the contents of the rejuvenated, cleansed and developed Doctrine, but to live up to it in conduct; and more than this, it remained for him to assert, not so much the negative and prohibitory phase of the Doctrine as the newer, positive and affirmative side, to declare that we are interested in our neighbors' development; not merely free from interest to injure them. In an address before the Southern Commercial Congress held at Mobile, Alabama, October 27, 1913, President Wilson said:

"What these states are going to see, therefore, is an emancipation from the subordination which has been inevitable to foreign enterprise and an assertion of the splendid character which, in spite of these difficulties, they have again and again been able to demonstrate. The dignity, the courage, the self-possession, the respect of the Latin-American States, their achievements in the face of all these adverse circumstances, deserve nothing but the admiration and applause of the world. They have had harder bargains driven with them in the matter of loans than any other peoples in the world. Interest has been exacted from them that was not exacted of anybody else, because the risk was said to be greater, and then securities were taken that destroyed the risks. An admirable arrangement for those who were forcing the terms! .....

"Comprehension must be the soil in which shall grow all the fruits of friendship, because there is a reason and a compulsion lying behind all this which are dearer than anything else to the thoughtful men of America; I mean the development of constitutional liberty in the world. Human rights, national integrity, and opportunity, as against material interests—that, ladies and gentlemen, is the issue which we now have to face.

"I want to take this occasion to say that the United States will never again seek one additional foot of territory by conquest. She will devote herself to showing that she knows how to make honorable and fruitful use of the territory she has. And she must regard it as one of the duties of friendship to see that from no quarter are material interests made superior to human liberty and national opportunity. I say this, not with a single thought that any one will gainsay it, but merely to fix in our consciousness what our real relationship with the rest of America is. It is the relationship of a family of mankind devoted to the development of true constitutional liberty. We know that that is the soil out of which the best enterprise springs. We know that this is a cause which we are making in common with them because we have had to make it for ourselves. . . .

"This is not America because it is rich. This is not America because it has set up for a great population great opportunities of material prosperity. America is a name which sounds in the ears of man everywhere as a synonym of individual liberty. I would rather belong to a poor nation that was free than to a rich nation that had ceased to be in love with Liberty. But we shall not be poor if we love liberty, because the nation that loves liberty truly sets every man free to do his best and be his best; and that means the release of all the splendid energies of a great people who think for themselves. A nation of employees cannot be free any more than a nation of employers can be. . . ."[1]

We find here, therefore, not only a positive reiteration of Roosevelt's statement against aggrandizement, a declaration of restraint and self-abnegation on our part—and let us notice that this expression of our intention to refrain from encroachment was of essential interest to the Latin-American states—but also a statement of decided and affirmative interest in the actual

[1] It was Montesquieu, I believe, who said that the wealth of a nation depends not so much on the fertility of the soil as on the freedom of the inhabitants.

welfare of Latin America. The Wilson policy was and proved to be more than mere abnegation; it rested on the political idea that a nation has a right to shape its own destiny and manage its own affairs, that its progress is of benefit to civilization and not to itself alone, that weaker nations must feel that they can live in safety by the side of big ones, that it is the duty of one nation to help another, not to crush it, that capital must make way for the ethics of decent politics and decent internationalism, that production may be aided by external capital, but that economic exploitation, so easily degenerating into plunder, shall not be sanctioned or supported by the political authority of an external government, above all not by our own, that economic burdens should be eased rather than augmented, that the basis of peace and peaceful industry is good faith and morality and not the mailed fist or shining armor,—all of which is not far remote from George Washington's statement that honesty is the best policy between nations as it is in private life.

Some of you may say that President Wilson in dealing with Mexico did not live up to this code of ethics. He did, it is true, refuse to recognize Huerta; he did, if you insist, use in-

fluence not to say force against him. The reason is plain—did it conflict with his theory? He was convinced, I suppose, that if there ever was to be order and sobriety in Mexico, the government ought not lightly to pass from one carnivorous dictatorship to another. He did not believe that the dagger was the proper warrant of election. He saw that Huerta's dictatorship meant further conscienceless exploitation by foreign capital or absorption of the remnants of Mexican wealth. He was unwilling that Huerta, by achieving success, should give aid and comfort to other thirsty usurpers in the Latin American countries. He believed that there was hope of Mexico's struggling through revolution into at least the paler sunlight of self-government.

But if Wilson's refusal to acknowledge Huerta was interference, his patient waiting was the reverse. Under savage verbal assault at home and under sharp and relentless criticism, he refused to do more than watch and wait. Our government refused to be driven into war, sorely as we were pressed.[1] He knew

[1] Though the President was accused of undermining American character by his readiness to deal patiently with the Mexican trouble, instead of sending in an army and "clearing the whole thing up," there have been few occasions in history disclosing more real bravery, as distinguished from pugilism,

that there might be no end to it; he must have seen that most of the acrimony in the United States would be made use of by capitalistic interests, and that if we made war on Mexico we shattered the whole fabric of the new, humane, peaceful, generous, hopeful Monroe Doctrine and would heap up a new mountain of Latin-American suspicions. He saw that a human problem—a problem of ignorance and poverty—cannot be swept away by war, unless you treat a nation the way the Turks treated the Armenians by simply carrying war to the ultimate in extermination, or unless you treat them by the methods we are told are now directed against the Jugo Slavs that stand in the way of triumphant Pan-Germanism. Possibly few persons saw that President Wilson, in handling the Monroe Doctrine and in dealing with the Mexican trouble, was expressing only those principles which for fifteen months he has held out to the world at war. Perhaps his refraining so long from advising war against Germany was due to a clear perception that the world had not yet reached a stage of thought and feeling in which the principles of the new Monroe Doctrine would find comfortable companionship.

than did his refusal to be stampeded and his holding our army in leash, after it had actually entered Mexico to punish or drive back the forces of Villa.

Whether this be the pose or not, we did go into war at a time when the world, outside of the military clique of Germany, was in a mood to listen, at a time indeed when the nations had reached, through experience, a place in which they were ready to accept the doctrines of the White House.

What then is the Monroe Doctrine in its newer applications? What in its wider scope does it involve and imply? We must turn to President Wilson for clear statement. In his famous speech of January 22, 1917, a speech in which he doubtless sought to draw out European opinion and find out just how far that opinion, especially among the Allies, would support American Liberal judgment, he used the phrase (I think the ambiguous, perhaps unhappy, phrase in an otherwise felicitous argument)—"peace without victory." A careful reading of the message indicates that he did not mean, in my judgment, that no one must win; but that the peace with all the usual accompaniments of conquest must not be forced on a conquered people; if the war brought victory to one side, the other, in the peace, must not be treated with humiliation and heart-breaking cruelty. The *peace* must be between equals, not between a superior victor and a vanquished inferior. All the world

save *Mitteleuropa* has not come to that. "Only a peace between equals," he goes on to say, "can last; only a peace the very principle of which is equality and a common participation in a common benefit. . . . The equality of nations upon which peace must be founded if it is to last, must be an equality of rights. Right must be based upon the common strength, not upon the individual strength of the nations upon whose concert peace will depend. . . . No peace can last or ought to last which does not recognize that governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand people about from sovereignty to sovereignty as if they were property. . . . I am proposing, as it were, that the nations should with one accord adopt the doctrine of President Monroe as the doctrine of the world; that no nation should seek to extend its policy over any other nation or people, but that every people should be left free to determine its own policy, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and the powerful. . . . I am proposing that nations henceforth avoid entangling alliances which would draw them into competitions of power, catch them in a net of intrigue and selfish rivalry and disturb

their own affairs with influences intruded from without. . . . I am proposing government by the consent of the governed; that freedom of the seas which in international conference after conference representatives of the United States have urged with the eloquence of those who are the convinced disciples of liberty; and that moderation of armaments which makes of armies and navies a power for order merely, not an instrument of aggression or of selfish violence."[1]

President Wilson took up bodily and placed in the new Monroe Doctrine, which he wished to be the doctrine of the whole world, the sentences which John Quincy Adams wrote and which were not included in Monroe's message, probably because Monroe did not wish so full a state-

[1] In the spring of 1918, a year after we entered the war, the President emphatically declared that inasmuch as Germany relied on force and wished to try issues by force alone, force she should have. I do not understand by this, however, that he has given up the fundamental thesis of his "peace without victory" speech. It would be foolish in the extreme to go into a war or expect another nation to go into war with the intention of *not* winning a victory. He does presumably still believe that, though *war* must have its victories, only a *peace* between equals can last. The great purpose of the war is to defeat Germany so thoroughly that haughty swaggering militarism shall no longer clank its sword and flash its "shining armor," and that the government of Germany will be sufficiently wise and humble to see that right must be based upon the common strength of the nations of the world. Even a dictated peace, which I hope will come, will be a real and lasting peace only if based on justice.

ment, or because Adams on reflection did not think it was wise to lay down so advanced a statement. Those sentences I have already given, but they will bear repetition in this connection: "1. That the institutions of government, to be lawful, must be pacific, that is founded upon the consent, and by the agreement of those who are governed; and 2. that each Nation is the exclusive judge of the Government best suited to itself, and that no other nation can justly interfere by force to impose a different Government upon it. The first of these principles may be designated as the principle of *Liberty*—the second as the principle of national *Independence*—They are both principles of *Peace,* of Good Will to Men." We cannot be sure that all the implications of these words were explicitly in Adams' mind; but they are strikingly like the principles which President Wilson has announced. I have no reason for thinking that the President borrowed his ideas from Adams; he simply, in a notable crisis of the world's history, gave utterance, as did Adams, to the fundamental ethics of American democracy.

It thus appears that government by consent is the only lawful government; moreover peace and liberty appear to be mutually supporting.

Until, therefore, every nation of the world adopts the principle of democracy in its internal organization, there can be little hope for peace between nations. If this be true, it follows that all nations desiring peace have a real interest in the internal organization of every nation, and that internal autocracy menaces the peace of the outside world. But if every nation must have this interest and if autocracy by its very existence imperils the world's peace, we appear to have discovered a principle at variance with the belief that each nation must be the final judge of the government best suited to itself. How far Mr. Adams or Mr. Wilson reconciled these contradictions or unified the two statements, I cannot say. It seems, however, that Mr. Wilson believes in more than the mere likelihood of covert attack by militaristic autocracy upon the outside world. He sees that democracy and autocracy are, by their very natures, warring one against the other; that two inherently antithetical attitudes toward life and its responsibilities are in conflict in time of peace; that a method of internal government which is based on the principle of dictation from above and not on response from below, which is based on the theory that the few must rule and the rest obey and toil, is, by

the law and the logic of its misnamed soul, prompted to disregard the rights of others whose property it covets, and is prompted to seize and to dictate, not to respect the privileges and the free will of weaker neighbors. A nation that is ruled internally by a select and "superior" few, and this means a nation resting its government on the subjection of the many, will belie its own principles, if in its relations with other nations it cooperates on the basis of equality and recognizes the self-determination of peoples.

We may find, then, certain contradictions or apparent contradictions in the words of these two statesmen, although I ought to confess that I may be carrying their sentiments forward to conclusions which they would not be quite ready to accept. In reality, we may in this war stop short of a demand that Germany abandon the practises and forms of autocratic government; but this war has shown what perhaps John Quincy Adams saw a century ago, that only a government resting on consent can by its own philosophy be a lover of real peace; and, if the world is to have real and abiding peace, it must be freed from the menace of a government resting on force and on the legal theory that one or a few have the right to control the

rest. If this war does not banish autocracy from Germany, one of two possible conditions will exist after the war. 1. Other nations will become in essence autocratic and carry the unethical notions of forceful government; 2. The world will be divided into two camps with hostile philosophies of life, each endangering the existence of the other; for democracy and autocracy continually cry out against the fundamental and elemental principles of the other. If Germany is sufficiently beaten to recognize the ethics of liberty, the world will become essentially harmonious, as far as the basic philosophy of national life can make it so. There is, of course, one other possible condition, and that is that Germany, though still retaining autocracy and her malodorous philosophy, be reduced to a state of impotence; such was the meaning of Mr. Balfour's declaration that Germany must be powerless or free.

John Quincy Adams, whom scholars now recognize as the author of the Monroe Doctrine, if any one man is entitled to that distinction, and Woodrow Wilson, who has proposed the Monroe Doctrine of the world, believe in democracy of international relations. Both have faith in justice and friendly interest and reciprocal respect as the basis of peace and of developing

civilization. Both repudiate brute force as the proper means of deciding questions of right. Both consider national independence and freedom the basis of peace and good will.

There is an appearance of paradox, not to say contradiction, in Mr. Wilson's standing before the world as the champion of nationalism and of national self-determination, when he is also leading the world to a position of actual internationalism—the internationalism of friendly cooperation. He is, seemingly, preaching the doctrine of self-contained and self-determining nationality, when we in America have faith in the disappearance of partitions between nationalities, in the sinking of racial barriers and in the amalgamation of men of many tongues. But faith helps us to dissolve this paradox; for if a nationality is unpersecuted, "left free to determine its own policy, its own way of development, unhindered, unthreatened, unafraid," it is sure to lose its sense of isolation; it is sure under the influence of commerce, of thought, in a word of modern civilization, to find its contacts and to feel itself a portion and only a portion of the great world. The old fable in the school reader about the wind and the sun, who had entered into a wager as to which could the more quickly make the traveler

lay aside his cloak, is of perennial appositeness. Let the small nation bask in the sun of safety, unthreatened and unafraid, and it will soon lay aside its cloak and partake willingly in the labors of a complicated and closely interwoven civilization.

Whatever else we may say—and here I return definitely to the Monroe Doctrine—America is now able to enter the court of the world with clean hands. Thanks to the Mobile speech and the rectitude of twenty years behind it, and thanks to our policies with poor distracted Mexico, we can stand unabashed as we ask the nations of the world to throw aside the whole baneful system of greed, lust and exploitation. To ask Europe to adopt the Monroe Doctrine of the world is not the plea of a wolf in sheep's clothing.

To apply the new Monroe Doctrine, based on the principle that liberty and peace go hand in hand, and that autocracy, war and slavery are intimates in the field and in the council chamber—to apply the new doctrine in the world is sure to be difficult in practise, though simple in theory. We should despair, indeed, were it not that the free press of Europe applauds and it seems, understands the significance of it all. We should despair unless we

also saw more or less acquiescence in the belief that a lasting peace must be a peace of peoples, not a scheme of governments. We should have slight ground for hope unless we knew that fresh liberal forces are awake and active in the souls and minds of tens of millions of European common people.

Let us remember, then, that the Monroe Doctrine of to-day is primarily not the Americas for the Americans, although it probably does still include objection to the extension of European authority in the Western Hemisphere. It means a principle of decent and humane relationship between nations. It means not beating down the weak, not even sucking out the life blood of the helpless by commercial profiteering. It means the opposite of Prussian *Politik*.

There is basis for hope that, in the forthcoming arrangement of Europe, peace will recognize national liberty, because people believe that liberty will maintain peace. It is a strange fact that we in America fear or have feared that the Monroe Doctrine might be lost as a result of our entering the war. Naturally its safety depends on our winning the war and above all on our winning the principles for which we fight. If war ends in need of new armaments, in the perpetuation of stealthy diplomacy, then,

even if Germany is militarily defeated, we must hasten to put on the buckler; we may be physically victorious, morally vanquished; we must hasten to protect the Western Hemisphere as our bailiwick and within it strive to live up to our principles, if we can, in the face of a world whose ethics will be oozy with suspicion and envy and commercialism. But we fight to end all this, to supplant suspicion by good faith, to put trustworthy documents in the place of scraps of papers, to assure the right of small nations to live. And if we succeed, the Monroe Doctrine need no longer be defensive and provincial; it need no longer be merely a watchword of our power or evidence of our distrust. More than ever before it will be, if we succeed, necessary to wipe from it all contamination of selfish greed and ambition for conquest; for the world will have accepted it; the Monroe Doctrine will have been extended across the ocean and finally have worsted, on the battle ground of autocracy, the political system against which Monroe pronounced his principles one hundred years ago. And notice, too, that if the Monroe Doctrine originally meant that the United States must be free from the entangled skein of European *Politik;* it proposes now that we win assured freedom by going across the water

to help in destroying the whole system of force, suspicion and intrigue to which Germany still clings, and to set up in its place an appeal to the tribunal of public intelligence.

THE BACKGROUND OF AMERICAN FEDERALISM

THE BACKGROUND OF AMERICAN FEDERALISM

The purpose of this paper is to make plain two facts: first, that the essential qualities of American federal organization were largely the product of the practises of the old British empire as it existed before 1764; second, that the discussions of the generation from the French and Indian War to the adoption of the federal Constitution, and, more particularly, the discussions in the ten or twelve years before independence, were over the problem of imperial organization. The center of this problem was the difficulty of recognizing federalism; and, though there was great difficulty in grasping the principle, the idea of federalism went over from the old empire, through discussion, into the Constitution of the United States. By federalism is meant, of course, that system of political order in which powers of government are separated and distinguished and in which these powers are distributed among governments,

each government having its quota of authority and each its distinct sphere of activity.[1]

We all remember very well that, until about thirty years ago, it was common to think of the United States Constitution as if it were "stricken off in a given time by the brain and purpose of man." About that time there began a careful study of the background of constitutional provisions and especially of the specific make-up of the institutions provided for by the instrument.[2] It is probably fair to say that the net result of this investigation was the discovery that the Constitution was in marked degree founded on the state constitutions, and that they in turn were largely a formulation of colonial institutions and practises; the strong influence of English political principles and procedure was apparent, though commonly that influence had percolated through colonial governments and experiences.

In such studies as these just mentioned, we do not find, nor have recent works furnished us, any historical explanation of the central prin-

[1] This paper is limited to the subject stated above. It does not pretend to assert or deny economic influences. It confines itself to the intellectual problem of imperial order. Only one other subject vies with this in importance—the problem of making real the rights of the individual under government.

[2] The first of these studies, as far as I know, was Alexander Johnston's "First Century of the Constitution" in the *New Princeton Review*, IV (1887), 175.

ciple of American federalism.[1] And still, one may well hesitate to give the historical explanation, because, when stated, it appears as obvious as it is significant. No better occasion than this, however, is likely to arise for acknowledging the fact that out of the practises of the old empire, an empirical empire, an opportunistic empire, an empire which to-day is seeking formulation in law or in public acknowledgment of institutional coordination, an empire which the Englishmen even of a century and a half ago did not understand—no better time than now to acknowledge that to the practises of English imperialism we owe the very essence of American federalism. It is a striking fact that there are two great empires in the world: one the British empire based on opportunism and on the principles of Edmund Burke; the other the American empire based on law, the law of imperial organization. The first of these, an empire without imperial law, was profoundly influenced by the experiences of the American Revolution and by slowly developing liberalism; the other—an empire with a fundamental law of coordination, also influenced by its experiences and by Revoluntionary discus-

[1] For one of the books which does in some degree recognize the nature of the Revolutionary discussion, see *Imperium et Libertas.*

sion—institutionalized and legalized, with some modifications and additions, the practises of the prerevolutionary imperial system of Britain.[1]

If we go back to the old empire as it was, let us say in 1760, we find that it was a composite empire, not simple and centralized. We are not speaking of any theory of the law of the empire but of its actual institutions and their practical operation.

First: The active instrument or authority of imperial government was the crown. It operated, of course, most immediately and effectively in the royal colonies. It operated by the appointment of some officials, by instructions, and by disallowance of colonial acts. The generalization is probably just, that instruction and disallowance were exercised chiefly for essentially nonlocal, imperial purposes, the maintenance, of the character and aim of the empire. The process of review of cases appealed from the colonies can probably be similarly classified—its operation was for homogeneity in part but substantially for im-

[1] So successful has been the empire of opportunism, of operation and cooperation based on understandings, not on fixed law, that we find ourselves looking with some misgiving on discussions now in progress at Westminster, lest, through well intentioned effort to reach definiteness, fluidity be changed to rigidity.

perial purposes. This central authority of the empire had charge of foreign affairs, navy and army, war and peace, subordinate military authority being left to the individual colonies.[1] It managed the post office; it was beginning to take charge of Indian affairs and trade with the Indian tribes; it had charge of the back lands and of crown lands within the limit of the colonies; it was preparing to take in hand the building up of new colonies (our territorial system); it exercised executive power in carrying out the legislation of Parliament which was chiefly concerned with trade and navigation.

Second: Parliament had legislated little if at all for strictly local internal affairs of the colonies. If we omit for the moment acts of trade and navigation, we should find the act making colonial real estate chargeable with debts, the post office, the Naturalization Act of 1740, the Bubble Act, the act against the land bank, the act against paper money. Each one of these acts was of imperial scope or nature, because it was directed against an evil of more than local extent, or because, as in the case of the post

[1] Working out the principle of federalism in military affairs was a big problem in the French and Indian War, in the decade before independence, in the Revolution, in the Federal Convention, in the War of 1812, in the Civil War, in the Congress of 1916, in the War of 1917.

office, it was of more than local interest. The acts of trade and navigation were in some instances, for example, the act against the smelting of iron, a somewhat rude intrusion upon the sphere of local action; but to see these things properly we must associate them together with the general policy of mercantilism, and see them as a part of a system, not always wisely developed, of making a self-sustaining empire. On the whole, Parliament, as was perfectly natural, had to a very marked extent interested itself in regulation of trade; it was perfectly natural that the empire as far as Parliament was concerned should have been largely a commercial empire; the part played by mercantilistic doctrine in the seventeenth and eighteenth centuries made such parliamentary interests and activities inevitable.[1]

Third: The Colonies managed their own "internal police," some of them under charters, all by governments in which there were representative assemblies. They levied taxes for local

[1] I have left out of consideration the question of the absorption by the colonies of common law and the acceptance of legislation modifying common law, especially criminal law. It is a big and complicated question. Limited space does not permit the treatment. I content myself with a general picture of the make-up of the empire, which I believe is substantially correct. It is also noteworthy that there was in the empire national or imperial and local citizenship, and that naturalization by colonial authorities was after 1740 under imperial law.

purposes, and voluntarily contributed, after a wholesome or a ramshackle manner, to the defense of the empire. They managed local trade, and, in short, did the thousand and one things —sometimes under pressure from the representatives of the royal prerogative—that concerned the daily life of the colonist.

Any one even slightly familiar with American constitutional system will see at once that to a very marked degree we have here the distribution of powers characteristic of American federalism. In fact, if we add to the powers of the central authority in the old empire the single power to obtain money by direct or indirect taxation immediately from the colonists for imperial purposes, we have almost exactly the scheme of distribution of our own constitutional system.[1] Of course there had to be found a thorough working legal basis and a legal method of operation. The legal basis was found when the constitutional convention

[1] The reader may object that Congress can now provide for standards of weights and measures, patents, and copyrights. He might point out, possibly with justice, that coining money and regulating the value thereof did not belong in the old empire to the central authority; but I leave the old practise to justify my assertion and refer again in passing to the act against paper money. The bankruptcy power, as a part of the general power of our central government, probably can be traced back with certainty at least to colonial conditions, and the Bubble Act and its extension to the colonies must not be forgotten.

of 1787 declared that the Constitution should be law. The operation of the central government directly upon its own citizens, a most important quality of our own federalism, probably came in part from the old empire, but was distinctly worked out in the debates of the convention.

If any one wishes to criticise unfavorably some detail of the scheme of empire which has just been sketched, he will still scarcely deny that Britain had a working federal empire by the middle of the eighteenth century. If Great Britain, in 1760, had reached out and said, "this is the law of the empire; thus the system is formed," she would have seen herself as the most considerable member of a federal state based distinctly on law and not on practise alone. If Britain by a formal constitution could have formulated the empire, she had, if the imperial order could have been frozen, petrified, in the form that time had made for it, the British empire would have been legally a federal empire. But though she did not, she made her contribution; her imperial history had selected and set apart the particular and the general, according to a scheme which was of lasting significance in the development of American imperial order. On that general scheme of dis-

tribution the Constitution of the United States was founded.

Let us now discuss this subject more in detail and with some consideration for chronological sequence, with some deference, that is to say, to the order and time in which events occurred and arguments were put forth. The scheme of imperial order presented by the Albany congress is so well known that it does not need extended comment; it is of interest as a plan for redistribution of powers in certain essential particulars and it is of lasting significance as an effort to select certain things of extra-colony rather than intra-colony importance, those things which needed general control by a colonial representative body. It tried chiefly to solve the problem of imperial order as far as that centered in the need of securing men and money for imperial security; and for the time the plan failed.

This matter of imperial security, augmented in weight by the experiences of the war, became the center of dispute in the decade or so after the peace of 1763. Could England by parliamentary enactment secure money for imperial defense? While this question was the center of dispute, the discussion was soon nar-

rowed, or, if you like, broadened, to this: Did the colonies as constituent parts of the whole possess certain indefeasible legal rights and especially the right to hold on to their own purse-strings? The dispute was narrowed because it came to be confined to the field of theory; it was not a question as to whether Parliament could get money from the colonies but whether they would acknowledge the abstract legal right to get it. The dispute was broadened, because it involved the whole question of interdependence and relationship.

Any amount of argument over the theoretical legal right to exercise sovereignty in the empire does not get one very far. There is no great practical value in trying to determine whether the colonies by the principles of English law were subject to taxation by Parliament. It may not be amiss, however, to point out that most of this argument, as far as it seeks to make out that Parliament did have the taxing power, whether that argument was made in 1765 or in 1917, has for its basis the constitution of the island and not that of the empire. It is largely insular argument, based on insular experience and founded on insular history. The unwritten constitution of the empire is the other way, and that is just what the men, especially

the Englishmen, of a hundred and fifty years ago could not see. They could not think and talk imperially, when it came to a matter of constitutional law. If the practical working empire of 1760 had been frozen into recognizable legal shape, the right to tax the colonies would not have been within the legal competence of Parliament, even as an imperial legislature. And because the Englishmen did not think imperially, because they did not realize that time had wrought out for them a composite federal empire, because they insisted on the principle of centralization in theory, they failed patiently to set about the task of determining some way by which, while recognizing federalism and colonial integrity, they could on a basis of justice and consent obtain authoritatively an acknowledged legal right to tax for strictly imperial purposes. Men that could not comprehend federalism, who denied the possibility of its existence, were incapable of dealing with a crisis of an imperial system in which federalism already existed.[1]

[1] This statement needs modification, for Burke, rejecting legalism, still displayed statesmanship of the highest order. He resented any attempt to fossilize or ossify the empire and sought to hold out the idea of parliamentary duty rather than legal power. In these latter days it would be stupid to declare that one must grasp and apply legal federalism if he is to deal with the elements of a composite empire; Burke's prin-

Some one may say, and with considerable justice, that the colonists were also incapable, quite as incapable as the parliamentarian and the British pamphleteer, of understanding the nature of a composite empire. It long remained true as Franklin said in disgust after the failure of the Albany plan: "Everybody cries, a Union is absolutely necessary, but when they come to the Manner and Form of the Union, their weak noddles are perfectly distracted."[1] That was the trouble—weak noddles. But, withal, the idea was hard to grasp, simple as it may appear to us; and it took the discussions and experience of a generation to find the manner and form of imperial order, though, when they did find it, it was the old scheme only in part modified, representing in its method of distributing powers the familiar practises of the empire.[2]

ciples of duty and of freedom have been proved to be the cement of the British empire. But, withal, it is quite plain that the statesmen of the Revolution on both sides thought there was need of fixing legal authority; and those incapable of seeing the principle of distributed authority—federalism—were in a bad way.

[1] *Writings*, ed. by A. H. Smyth, III, p. 242.

[2] It is worth noticing that at a later time Franklin himself after reading a considerable portion of Dickinson's *Farmer's Letters* is evidently at a loss; and he at a comparatively early day, about 1768, found no middle ground between complete independence of the colonies and complete power of Parliament. Speaking of the *Farmer's Letters* Franklin wrote: "I have read them as far as No. 8 . . . I am not yet master of the

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And yet it is not quite correct to say that colonial noddles utterly failed. It is true that the colonists often spoke as Englishmen, they claimed rights as Englishmen, they, too, argued on the basis of insular law; and indeed the principles of insular law were not at variance with the rights which they set up as citizens in the empire. But some of them went further, and defended the rights of the colonies, as distinguished from the rights of Englishmen; they defended, to use later phraseology, states rights as distinguished from individual rights; they argued from the structure of the empire rather than from the principles which aim to protect the individual from governmental wrong. As far as they did this, they grasped the nature of an imperial system in which the outlying portions had their own indefeasible share, legal share, of political authority.

If there were space to examine critically the whole mass of constitutional arguments, we

idea they and the New England writers have of the relation between Britain and her colonies. I know not what the Boston people mean by the 'subordination' they acknowledge in their Assembly to Parliament, while they deny its powers to make laws for them, nor what bound the Farmer sets to the power he acknowledges in Parliament to 'regulate the trade of the colonies', it being difficult to draw lines between duties for regulation and those for revenue; and if the Parliament is to be the judge, it seems to me that establishing such principles of distinction will amount to little.'' Quoted in note in *Memoirs of the Historical Society of Penn.*, XIV, 281.

should see a groping after the idea of classification of powers, and on the other hand the emphatic declaration, that to deny to a government the right to make any particular law or any special kind of laws is to deny all power and authority—government must have full sovereign power or none. In examining some of the materials throwing light on the nature of the arguments, it will be well on the whole to exclude those assertions from which we can gather only inferentially that the writer or speaker grasped the principle of differentiation. As we have already seen, the Albany plan was distinctly based on the idea of classification and distribution. The controversy of 1764 regarding the revenue act brought out occasional indications that certain distinctions were close at hand, if not as yet fully comprehended; at least there was a recognition of the old exercise of power over trade and an objection to the newly proposed schemes of revenue. In the main, however, the American opposition at that time was not clearly and precisely directed against taxation because it violated a principle of imperial structure, but rather because it violated a principle of English personal liberty. Otis, in his *Rights of the Colonies Asserted,* denies the authority of Parliament to tax, and ad-

mits their right to regulate trade; but his argument against taxation is English, not imperial argument, on the whole. It is probably safe to say he relied on personal right rather than on the principles of empire.[1]

Still in these early days of 1764 and 1765 certain fundamentals did appear, even when lines were not drawn with the precision of later days. Dulaney recognized a supreme authority in Parliament to preserve the dependence of the colonies; he spoke of the subordination of the colonies, which still, however, retained rights despite their inferiority; for "in what the Superior may rightly controul, or compel, and in what the Superior ought to be at Liberty to act without Controul or Compulsion, depends upon the nature of the dependence, and the Degree of the Subordination."[2] He suggests that a line may be drawn "between such Acts as are necessary, or proper, for preserving or securing the Dependence of the Colonies, and such

[1] This interpretation of Otis is of course strengthened by the fact of his belief in the representation of the colonists in Parliament and his reliance on the right of a court to declare an unjust act void; but, after all, Otis did distinguish between powers, and did believe in the constitutional restraints on Parliament.

[2] *Considerations on the Propriety of Imposing Taxes in the British Colonies for the purpose of raising a revenue, by act of Parliament.* (London, 1766), p. 16. Tyler says that there was an American edition of 1765. This I have not seen.

as are not necessary or proper for that very important Purpose."[1] He thus clearly points to the possibility of an empire managed in the large by a central authority, but in which the outlying parts are possessed of indefeasible authority on subjects belonging of right to them, subjects which do not contravene the general superintending power lodged in the central authority. He naturally dwells on those particular exercises of authority then under dispute, and declares that there is "a clear and necessary Distinction between an Act imposing a Tax for the single Purpose of Revenue, and those Acts which have been made for the Regulation of Trade, and have produced some Revenue in Consequence of their Effect and Operation as regulations of Trade."[2] This pamphlet of Dulaney's was a statesmanlike production, and contained at least the foundations for the conception of federalism.[3]

Unhappily, in 1766 Franklin in his examination before the committee of commons does not indulge in clear and precise thinking. Had he

[1] *Ibid.*, p. 17. See for an early statement of federalism, Ann Maury, *Memoirs of Huguenot Family*, 425-426; letter of Maury to Fontaine, December 31, 1765. Portions of Patrick Henry's resolutions of 1765 have the federal argument.

[2] *Considerations on the Propriety of Imposing Taxes in the British Colonies*, etc. (London, 1766), p. 46.

[3] See also Stephen Hopkins, *Grievances of the American Colonies Candidly Examined*, p. 19.

then enlarged on the character of the imperial structure, and had he sharply drawn the lines of demarcation between imperial superintendence and colonial legal right, possibly the listening commons might have understood the vital distinctions. Franklin's examination admirably discloses the opportunistic and nonlegalistic nature of his statesmanship. In this examination he does, of course, emphasize the colonial objection to revenue acts; but he became hopelessly confused in discussing the basis for trade regulation, and impressed on his listeners that what was objectionable was internal taxation as distinguished from external; he appears to have impressed this distinction so firmly that the Englishmen never lost the notion that it was peculiarly dear to the American heart; and, when within a year or two external taxes were levied, the English administrators were hurt in their minds by the prompt rejection of their schemes. It is true that Lyttleton (1766) called the attention of the lords to the fact that the Americans made no such distinction, and that it could not be found in Otis's pamphlet;[1] but the idea seems to have persisted, aided prob-

[1] "Mr. Otis, their champion, scouts such a distinction." *Parl. Hist.*, XVI, col. 167.

ably by the loose use of terms by occasional American writers.

It was partly to clear up such confusion as this, and to draw the line properly, that John Dickinson penned his *Farmer's Letters*. The thinking of Dickinson was plain, straightforward and able. Possibly in his first letter he enters upon indefensible ground; for, having in mind the effort to compel the New York legislature to furnish quarters for troops and thereby to incur certain expense, he insists that an order to do a thing is the imposition of a tax. But in no other place does he become entangled in dubious assertions.[1] Dickinson spoke as an imperialist, as one who saw and felt the empire; he is hardly less emphatic in his declarations concerning the imperial power of Parliament and the existence of a real whole of which the colonies are parts, than in defending the indefeasible share of empire which the colonies possessed. Hitherto, the colonies, save as they had been restrained in trade and manufacture by parliamentary legislation under the general principles of mercantilism, had been regulated even for purposes of empire largely by the exercise of the royal prerogative. Dickinson real-

[1] For a sharp statement of Dickinson's position of empire consistent with colonial freedom—freedom of the colonies—see the early parts of Letter II of the *Farmer's Letters*.

ized the necessity of parliamentary control and guidance; he saw as did Dulaney the need of a superintending authority, and he openly acknowledged that it lay with Parliament. It was perfectly inevitable that a statesman—colonial or English—should think of the control of trade as the big duty, and thus Dickinson emphasized that duty and the right of Parliament to direct the trade of the whole system. He saw an empire, composite and not simple or centralized, with a Parliament possessed of indubitable power to maintain the whole and chiefly to look after the interests of the whole by the regulation of trade.[1]

It was just because Dickinson was thinking imperially and was doing more than to acknowledge that Parliament might regulate trade, that his words deserve especial weight. He was not speaking as a disgruntled colonist merely finding fault; he was not setting up purely insular constitutional principles; he was not talking as a frontier individualist; he saw the existence of an imperial reality and he presented strongly

[1] The distinction between regulation of commerce and taxation never, I think, entirely disappeared from the colonial mind, though after about 1772 some leaders came to the point of openly asserting complete freedom from parliamentary control. See for the distinction *Letter from the Massachusetts House to Dennis de Berdt* (London, 1770), p. 16. It is possible that this letter was written earlier than 1770. I have been unable to find it in the *Mass. State Papers.*

certain principles of imperial structure. He denied that Parliament had the right to tax; scouting the supposed distinction between internal and external taxation, he openly admitted the authority of Parliament to regulate trade.

Taxation is an imposition for the raising of revenue; it at times seems strange, not that Dickinson should have made the distinction between taxation and regulation, but that men at all experienced with actual practises of the empire and familiar with mercantilistic doctrine should not have readily accepted it. That distinction had been touched on before Dickinson wrote; but he made the thing so evident that men ought to have been able to see it. Still it is not plain that men did see it. At least they were not quite able to see that he was proposing not only a perfectly valid distinction between powers, but a real theory of imperial structure. Consequently Dickinson's words did not have the weight they deserved in pointing the way to composite empire, an empire in which there was an indefeasible participation of the parts under a government charged with the maintenance of the whole. Federalism, we must remember, necessitates singling out of specific branches of authority, which we commonly call "powers." Nothing is simpler in the primer

of our constitutional law than the distinction between the taxing power and the power to regulate interstate and foreign commerce. Any person, though he be unlearned in jurisprudence, will talk glibly of the commerce power, the treaty making power, the taxing power and many other powers, fully realizing that we take certain authorities of government and label them, put them in certain receptacles, and leave to our astute courts the duty of deciding whether a legislative act is to be classified thus or so and whether it is a due exercise of "powers" that have been authoritatively granted. And so it is amazing to us, this difficulty in seeing the validity of this most commonplace distinction, and that writers should still think Dickinson was speaking in confusion instead, as was the fact, talking the A B C of American constitutional law.

Dickinson's position distinguished the power to regulate trade from the power to tax. The distinction deserves to be called proper, because we have had it in active operation under our Constitution for a century and over. But it was proper, also, because it carried on the practises of the old empire. Parliament had regulated trade; it had not taxed. For a century or more the empire had acknowledged in practise, as

well as in charters and commissions and instructions, the existence of colonies with the authority to tax for local concerns, and had refrained from taxation for imperial purposes. To a marked degree we may say again the empire was a commercial empire. Its commercial purposes were expressed in navigation acts, and a large portion even of the administrative control by the Royal council had been directed to the support of those enactments and that commercial policy.

Before passing on to other and particularly later appreciations of federalism, let us turn to the other side of the matter. Englishmen, whether they defended the colonists or opposed them, were likely to take refuge in insular (i. e., English) law, not discussing the question openly as to whether Parliament had become imperial, or whether, if it had, its power was unlimited; blank assertion took the place of argument.[1] They occasionally spoke learnedly or superficially of whether places without the realm could be taxed, or whether such places must be brought within the realm and given representation before they could be taxed; and thus, in re-

[1] Special exceptions should of course be made. Thomas Pownall, in his *Administration of the Colonies* (London, 1764 and later amplified editions), struggles to find expression. Of course there were others. *Vide*, for example, *Johnstone's Speech on . . . recommitting the address*, etc. (London, 1776).

ferring to past conditions in the history of Britain, they really recognized the fact that even Britain herself had been a growth and had been compounded, but curiously enough they were blind to the composite empire already in existence and to the practises of a century. The freedom from taxation they discussed from the viewpoint of insular institutions, and, as the world knows, made the ludicrous blunder of attempting to impute the insular system of representation to the whole empire. They fumbled with the whole principle of representation; but their chief error was the insistence on applying to the whole empire certain rigid principles which they believed were logically irrefutable. Scarcely any one of them saw that in the development of empire had arisen new principles of law and organization. Of course they rejected the distinction between internal taxation and external taxation, as there may have been reason for doing on practical as well as theoretical grounds; from the beginning they denied the possibility of classification of powers; they asserted the indivisible character of legislative power, and almost at once took a position which, if insisted on in practise, left nothing to the colonists but a choice between acceptance of an absolute government at the head

of a centralized empire on the one hand, and the total denial of all parliamentary authority on the other.[1]

The pamphlet entitled *The Controversy Between Great Britain and her Colonies,* commonly attributed to the pen of William Knox, probably deserves the praise bestowed upon it as being the best presentation of Britain's case.[2] It is true that in one flagrant instance it falsely juggles with Locke's second essay, and it shows more than usual cunning in making Locke's theories support governmental authority; but the argument from the history of Parliament and the empire to support the claim for imperial authority is able and has the strength of historical statement as contradistinguished from bald assertion and adroit legalism. Knox, however, has a merry time with Dickinson, proving to his own satisfaction the folly of distinguishing between taxation and regulation of commerce; and he thus fails utterly to see anything but a centralized empire with all authority in Parliament. "There is no alternative: either the colonies are a part of the community of

[1] Pitt's statement distinguishing taxation from legislation is omitted from this discussion in the text. See for partial support of position above Grenville, Speech of January 14, 1766. *Parl. Hist.*, XVI, 101. See also *Ibid.*, 167.

[2] Except Hutchinson's speeches of 1773.

Great Britain, or they are in a state of nature with respect to her, and in no case can be subject to the jurisdiction of that legislative power which represents her community, which is the British Parliament.'' Nothing could more fully discredit legalism when dealing with a practical problem of statesmanship; this was denying that Parliament could not recognize the illegality of doing what in practise it actually had not done and what the passing years were proving it could in reality not do.[1]

Even before 1770 many American opponents of parliamentary taxation had been hurried along to the position in which they denied that Parliament possessed any power over them.[2] It would appear, however, that the more sober-minded did not as yet openly go so far; it was easy for the thoughtless to resent British assertion of authority by the simple denial of all

[1] In a pamphlet attributed to Phelps, *The Rights of the colonies and the extent of the legislative authority of Great Britain briefly stated and considered* (1769), pp. 11 and 12, we find: ''The colonies, therefore, must either acknowledge the legislative power of Great Britain in its full extent, or set themselves up as independent states; I say in its full extent, because if there be any reserve in their obedience, which they can legally claim, they must have a power within themselves superior to that of the mother country; for her obedience to the legislature is without limitation.'' Winsor says Phelps was Under-Secretary to Lord Sandwich. *Narr. and Crit. Hist.*, VI, 85.

[2] See for example J. K. Hosmer, *Life of Thomas Hutchinson*, 134.

authority. There is no such declaration, however, in the American state papers. There was still readiness, as there continued to be after 1770, to acquiesce in British regulation of the trade of the empire, and in such royal control as was consistent with practise and the charters.

In 1770 when the long controversy arose between Hutchinson and the Massachusetts legislature over the right to remove the legislature to Cambridge, Hutchinson declared that the Boston men, having denied the power of Parliament over them, were now prepared to deny the power of the crown. It is perfectly true that that controversy concerned the power of the crown; it involved the question whether the prerogative could be used freely and arbitrarily and in disregard of established laws and the charter but certainly till that time the colonists had not committed themselves to the doctrine that Parliament was totally powerless, nor did they then deny *in toto* the authority of the crown. As before 1770 they had asserted that there were bounds to the authority of Parliament, so now they rejected the notion that sufficient excuse for a governor's acts was his simple declaration that he had received orders from Westminster. Even in the exercise of the prerogative, there must be recognition of the legal

entity and the legal competence of the colony as an integral portion of an integral empire; that was the position of the Massachusetts legislature translated into modern terms.

Students of the Revolution that believe the movement was economic in origin, character and purpose, may not deny that, after 1768, Parliament had no express hope or intention of obtaining revenue from America. From that time on, British interest was largely, if not wholly, confined to asserting parliamentary omnipotence, or, if this seems too strong, confined to an insistence upon the supreme power of Parliament and to resisting what they believed, under the tutelage of American governors, was a conscious tendency toward independence. Indeed, especially after 1768, but to a considerable extent from 1766, the question was not so much whether the colonies would pay taxes as whether they would acknowledge the legal obligation; and to an amazing extent the conflict was over the existence or non-existence of an abstract right. As we have already seen, much of the colonial argument was in defense of individual liberty, not of states rights; but the center of the controversy was whether or not Parliament was possessed of limitless authority.

The colonists at least claimed to be satisfied with the old régime, in which power had been divided, and in which Parliament had chiefly shown its power by the regulation of trade.[1] The parliamentarians insisted that in the law of the empire the will of Parliament was nothing more nor less than supreme and all-inclusive. The colonists insisted, though they did not use this phraseology, that old practises of the empire were the law of the empire and thus, in modern phraseology, they demanded the recognition of a composite empire based on law. Even if we admit the presence of many economic and social forces, we find in actual conflict two theories of imperial order; and in this discussion after 1768, if not before, the English parliamentarians and pamphleteers were victims of certain dogmas of political science curi-

[1] "Every advantage that could arise from commerce they have offered us without reserve; and their language to us has been—'Restrict us, as much as you please in acquiring property by regulating our trade to your advantage; but claim not the disposal of that property after it has been acquired—Be satisfied with the authority you exercised over us before the present Reign.'" *Additional Observations on the nature and value of Civil Liberty, and the War with America,* by Richard Price.

"And when men are driven for want of argument, they fly to this as their last resource—'acts of parliament (say their advocates) are sacred, and should be implicitly submitted to—for if the supreme power does not lodge somewhere operatively, and effectually, there must be an end of all legislation.'" *Lord Chatham's Speech on the 20th of January, 1775.* Taken by a member, page 9 (1775).

ously similar to the doctrine of indivisible sovereignty.[1] How often did Burke deprecate the continual harping on Parliament's authority, on the necessity of acknowledging the theoretical supremacy of Parliament.[2] He deplored the common talk about the legal rights. Beyond Burke's speeches little needs be cited to show

[1] If, intemperately, unwisely, fatally, you sophisticate and poison the very source of government by urging subtle deductions and consequences odious to those you govern from the unlimited and illimitable nature of sovereignty, you will teach them by those means to call that sovereignty itself in question. When you drive him hard the boar will turn upon the hunters. If that sovereignty and their freedom cannot be reconciled, which will they take? They will cast your sovereignty in your face, nobody will be argued into slavery.'' Burke ''Speech on American Taxation,'' *Works*, vol. II, p. 73. See also *Ibid.*, pp. 141-142, for Burke's wishing to see the colonies admitted to an interest in the constitution, an evidence that he too recognized in some measure the need of formal statement.

[2] An illustration of the same thing may be seen in an American source:

''Moreover, when we consider that Parliamentary taxations are not as to their present value, a matter of moment, either to the mother country, or the colonies; that the contention between us is upon the points of principle and precedent; that it is not the quantum, but the manner of exacting our unconstitutional impost, which is the bone of contention, our public jealousies must necessarily be increased.

''When the taxation was more general, there was some colour for the assertion in the Revenue Act, that it was intended for the safety and defence of the colonies. But it is not only true, that this cannot be asserted of the paltry duty on tea; we know, we were assured by our enemies, that when the other articles charged by the Revenue Acts were exempted by the partial repeal, the duty on tea was left as a standing memorial of the right of Parliament to tax Americans.'' Force, *Archives*, Fourth Series, I, 256 note—copied from the *New York Gazetteer*, May 12, 1774.

the essentially legalistic character of the whole discussion.

It may be rash to assert that the colonists were less insistent upon knowing what the constitution of the empire was than were the Englishmen, though there seems no reason to doubt that the colonists would have willingly accepted the old practise as sufficient, if it were not threatened. Still, the colonists desired to know precisely what were American rights; and in this respect possibly America was more legalistic than Britain, because Parliament insisted on the existence of unlimited power—asserted, one might not unjustly say, that Parliament was above the law—while the colonists asserted that Parliament was bound by rigid law. "The patchwork government of AMERICA," wrote Bernard in 1765,[1] "will last no longer; the necessity of a parliamentary establishment of the governments of AMERICA upon fixed constitutional principles, is brought out with a precipitation which could not have been foreseen but a year ago; and is become more urgent, by the very incidents which make it more difficult." At this time, it will be remembered, he proposed an extraordinary Parliament, in which there were to be American representatives, which

[1] *Select Letters*, p. 33.

should form and establish "a general and uniform system of American government"; "and let the relation of America be determined and ascertained by a solemn Recognition; so that the rights of the American governments, and their subordination to that of Great Britain, may no longer be a subject of doubt and disputation." In 1766 he declares that "the Stamp Act is become in itself a matter of indifference; it is swallowed up in the importance of the effects of which it has been the cause. . . . And as the relation between Great Britain and the colonies has not only been never settled, but scarce even formally canvassed, it is the less surprising, that the ideas of it on one side of the water and on the other are so widely different, to reconcile these, and to ascertain the nature of the subjection of the colonies to the crown of Great Britain, will be a work of time and difficulty."

There can be little doubt that Bernard was right; the problem of the day was the problem of imperial organization: were Englishmen or Americans capable of finding a law of the empire?[1] If so, that law must be consonant with

[1] By "law" I do not mean that there was a demand for a parliamentary act; I mean at the least an evident understanding, at the most a formal acknowledgment of power and the

practical realities; it must be a formulation of the principles of relationship which recognized not centralization but distribution.[1] As an indication of the fact that men were discussing legal rights, and losing sight of financial returns, it may be sufficient for the earlier days to refer to the comments in the *Parliamentary History*[2] on the debate about the Circular Letter. It was insisted by opponents of the ministry in debate on the Massachusetts Circular Letter and in respect to the revenue laws "that the inutility of these laws was so evident, that the ministers did not even pretend to support them upon that ground, but rested their defense

extent of it, a formal recognition of the complete authority of Parliament or, on the other hand, of the width and depth of the actual colonial legal competence.

[1] It is plain, too, that Hutchinson, a legal-minded man, also felt in the days of Bernard's governorship, as later, that the constitution must be settled. "I wish to see known, established principles, one general rule of subjection, which once acknowledged, any attempts in opposition to them will be more easily crushed." Letter of April 21, 1766, quoted in *Quincy Reports*, 443-444. "Our misfortune is the different apprehension of the nature and degree of our dependence. I wish to see it settled, known, and admitted; for while the rules of law are vague and uncertain, especially in such fundamental points, our condition is deplorable in general." Letter of December 31, 1766, Hosmer's *Hutchinson*, p. 121.

Only one other question—and that intimately associated with the first—vied with it in importance: Were there or were there not rooted in the British constitution fundamental principles of individual liberty superior to legislative authority and must they be recognized in the British legislation for colonial affairs?

[2] XVI, p. 488.

upon the expediency of establishing the right of taxation." And if we turn again to Dickinson, we find the same thing in a different guise—the necessity of law in the empire—not a law securing centralized authority but freedom. There could be no freedom without legal restriction: "For who are a free people? Not those, over whom government is reasonably and equitably exercised, but those, who live under a government so constitutionally checked and controlled that proper provision is made against its being otherwise exercised."[1]

We might wisely spend much time in considering the dispute in 1770 already referred to—the dispute as to whether instructions could *ipso facto* dispose of all matters of constitutional right of the colonies, or whether even the crown was limited in imperial authority by the fact of the existence of competent and legally recognized colonial legislatures. But passing over those three years or so of legalistic dispute, let us come to "the great controversy" of 1773. In considering this we can echo John Adams' expression of amazement at Hutchinson's audacity in throwing down the gauntlet. The truth probably is that Hutchinson had been grievously tried for years, not alone by what he

[1] *Memoirs of the Historical Society of Penn.*, XIV, p. 356.

considered the unmannerly conduct of the rabble, but by the doctrines which he heard in the market place and perhaps in legislative halls. He believed that the theories of the malcontents were unsound and that he in the plenitude of his wisdom could establish their invalidity; and he prepared therefore to bring his heaviest artillery to bear upon the unreasoning followers of Samuel Adams and against the arch agitator himself. What he wished to do, be it noticed, was to demolish a false theory of the empire and bring every one to acknowledge, not the wisdom of obnoxious legislation, but the legal authority of Parliament. By this time doubtless there was much talk about complete freedom from parliamentary control, but there had been little if any formal public announcement by the radicals of anything more than a freedom from taxation.

Hutchinson, it must be said, had considerable reason for having confidence in his massed attack; for his argument was able and compelling, serving by its weight to bring into play all the open and masked batteries of the opposition. He finally reached in his first paper a position from which he believed he could discharge one final and conclusive volley; he was prepared to use an undeniable principle of political science;

he believed he could silence his enemies with its mere pronouncement: "It is impossible there should be two independent Legislatures in the one and the same state." [1] Despite all the discussion that had gone on, despite the fact that Britain had been practising federalism, Hutchinson could see nothing but the theory of centralized legislative omnipotence and could not conceive of distribution of power between mutually independent legislative bodies. And yet this undeniable axiom of political science was to be proved untrue in the course of fifteen years by the establishment of fourteen independent legislatures in the single federal state, the United States of America.

The two branches of the legislature met Hutchinson's general argument somewhat differently. The house argued valiantly for complete freedom from parliamentary control; in facing the alternative of complete freedom from Parliament and complete subservience, they unhesitatingly chose the former, though they did seem to recognize the possibility of drawing a line between the supreme authority of Parliament and total independence.[2] The council,

[1] *Mass. State Papers*, p. 340.

[2] That is to say, they did not deny the possibility of distribution and a line of distinction between governments in the empire. "And, indeed, it is difficult, if possible, to draw a line

wiser and more conservative than the house, announced federalism; they contended that the colony had "property in the privileges granted to it," i. e., an indefeasible legal title: "But, as in fact, the two powers are not incompatible, and do subsist together, each restraining its acts to their constitutional objects, can we not from hence, see how the supreme power may supervise, regulate, and make general laws for the kingdom, without interfering with the privileges of the subordinate powers within it?" [1] This

of distinction between the universal authority of Parliament over the colonies, and no authority at all." "If your Excellency expects to have the line of distinction between the supreme authority of Parliament, and the total independence of the colonies drawn by us, we would say it would be an arduous undertaking, and of very great importance to all the other colonies; and therefore, could we conceive of such a line, we should be unwilling to propose it, without their consent in Congress." Hosmer, *Hutchinson*, pp. 382, 395.

[1] Hosmer, *Hutchinson*, p. 412. It will not do to argue that they meant, by "subordinate," subject to the whim and control of Parliament; for that is just what they were arguing against. They denied that supremacy meant complete unlimited power, or that subordination meant unlimited submission. Of course "coordinate" is more nearly expressive of federalism than "subordinate"; but the principle these men had in mind is that of distribution, legal distribution, by which the parts legally control local affairs, a general government regulates and safeguards general affairs.

I omit, to save space, the extended argument, but I must call attention to their assertion of legal possession of constitutional right by the colonies as integral portions of the empire, and also to their declaration, in a delicate manner, that Hutchinson was dealing with theories and disregarding the fact, and that fact was the distribution of powers not centralization: "What has been here said (i. e., by Hutchinson), concerning supreme authority, has no reference to the manner in which it

is a clear, precise and thorough description of federalism. It is plain enough, then, that there were some clear-headed men, who, in the years just before the final break with England, were not silenced by the fulminations of British pamphleteers or the dogmatic assertions of Hutchinson into a belief that the empire was simple and unitary; nor were they as yet ready to accept the learned and technical argument of John Adams, though buttressed by pedantic reference to Calvin's case, that the empire was held together by the king, a personal union only.

The American theory of federalism is stated with such amazing accuracy in an answer to Doctor Johnson's *Taxation No Tyranny*,[1] that it deserves quotation at considerable length:

"Now this, in abstract, sounds well. When we speak of the Legislature of a community, we suppose only one Legislature; and where there is but one, it must of necessity have the right you speak of; otherwise, no taxes at all could be raised in that community. . . . Now the present dispute is not with respect to this

has been, in fact, exercised; but is wholly confined to its general nature." *Ibid.*, p. 413. These arguments are also to be found in *Mass. State Papers*, as well as in the appendix to Hosmer's *Hutchinson*.

[1] *An answer to a Pamphlet entitled "Taxation No Tyranny,"* found in Force's *American Archives*, Fourth Series, I, 1450, latter part of paragraph on p. 1451.

Island alone, which certainly has but one Legislature, but with respect to the *British* Empire at large, in which there are many Legislatures; or many Assemblies claiming to be so. . . . From the state of the *British* Empire, composed of extensive and dispersed Dominions, and from the nature of its Government, a multiplicity of Legislatures, or of Assemblies claiming to be so, have arisen in one Empire. It is in some degree a new case in legislation, and must be governed therefore more by its own circumstances, and by the genius of our peculiar Constitution, than by abstract notions of Government at large. Every Colony, in fact, has two Legislatures, one interiour and Provincial, viz.: the Colony Assembly; the other exteriour and imperial, viz.: the *British* Parliament. . . . Neither will the unity of the Empire be in danger from the Provincial Legislature being thus exclusive as to points. It is perfectly sufficient, if the *British* Legislature be supreme as to all those things which are essential to *Great Britain's* being substantially the head of the Empire; a line not very difficult to be drawn, if it were the present subject. Neither is there any absurdity in there being two Assemblies, each of them sufficient, or, if you will, supreme, as to objects perfectly distinct; for this plain

reason, that the objects being perfectly distinct, they cannot clash. The Colonist, therefore, allowing that the supreme power or Legislature, where there is but one, must have the right you speak of, will say that with respect to him, there are two, and that the Provincial Legislature is the supreme power as to taxation for his Colony. And so the controversy, notwithstanding your position, will remain just where it began."

The discussions in the Continental Congress of 1774 show us the trouble that the colonists had in reaching a satisfactory theory. By that time many had come to the conclusion that Parliament possessed no power to pass laws governing the colonies. But the situation and the experience were too plain, and Congress "from the necessities of the case" announced that parliamentary regulation of trade would be accepted, but not taxation external or internal. They proposed as a working basis for the whole system—perhaps no longer to be termed an empire if there was no legislature with any imperial power legally speaking—the distinction between taxation and regulation of commerce, and they really put themselves back, as far as practise was concerned, nearly if not quite in the position of eleven years before. It cannot be supposed, as they accepted the king as their

king, that the Congress of 1774 would deny the general right of the mother country, through the executive head, to make war and peace, manage diplomacy, hold the back lands, control Indian affairs and probably the post office—in other words, to exercise the significant powers bestowed on the central government of the United States under our Constitution. They were prepared to acknowledge a political order, in which all the great powers bestowed on our central government under the Constitution with the exception of the power to tax should be in the hands of the central authorities at Westminster; and they evidently accepted and promulgated the possibility of distribution of power.[1]

[1] I have not attempted in this paper to cite all the instances of an appreciation of the fact that the discussion was over the possibility of distribution of power in the empire. Let me refer to a letter of Gouverneur Morris to Mr. Penn, May 20, 1774. It speaks of the danger of America's falling "under the worst of all possible dominions . . . the domination of a riotous mob," and then proposes "a safe compact" between the "colonies and the mother country," "internal taxation," i. e., "to be left with ourselves," "the right of regulating trade to be vested in *Great Britain.*" Of course the compact was to form the legal and binding authority for the exercise of power. Force, *American Archives*, Fourth Series, I. 342-343.

Notice also that the Pennsylvania Convention of 1774 speaks of the desirability of agreements with Great Britain; she is to renounce certain claims and America is to accept certain statutes: money is to be given to the king. It also dwells on the compact which has to do largely with trade: "With such parts of the world only as she has appointed us to deal, we shall continue to deal; and such commodities only as she has permitted us to bring from them, we shall continue to bring.

In drawing up the Declaration of Independence the Continental Congress accepted the theory that Parliament had had no legal authority over them; but the Articles of Confederation were drawn on the principle of distribution of powers. Of course it may properly be said that the Articles did not provide for the creation of an imperial state. If, however, we look to see how far they carried on the actual distribution which had existed in practise in the old empire, we see much in common between the empire and the Confederation. We do not find in the new system, of course, any right in the Congress—the new central authority—to exercise some of the functions formerly exercised by the crown in council; there was no right to appoint governors, or to instruct them, or to disapprove of the state laws. But the great powers of war and peace, foreign affairs, the post office and Indian affairs belonged to Congress; and it was understood before adoption that the tremendously important matter of the ownership of the

The executive and controlling powers of the crown will retain their present full force and operation." *Ibid.*, 561. *Vide* also among others plans, *Proposal for a Plan toward a Reconciliation and Reunion*, etc., by one of the Public (London, 1778).

I omit in this paper mention of various plans of imperial order. They are important as disclosures of effort to distribute powers on a legal basis.

back lands, and the administration of the back settlements—in other words, the extension of the empire—was to be in the hands of Congress. Only a detailed examination would show how much of the old practical system of the empire was formulated in the Articles. It is sufficient now to say, and it is quite unnecessary to say it, that very much of the old system was there formulated, and the Articles carried on very distinctly the principle of distribution of powers and on the whole provided for governments with distinct spheres of action.[1] A student of the Articles will of course be carried back to the Albany plan and even to the New England Confederacy of 1643; but he will be hopelessly at sea unless he grasps the fact that the contents of the document are distinctly the products of imperial history, and they constitute, (1) the first quasi-legal formulation of imperial existence, (2) the immediate preparation for ultimate real and full formulation in the Constitution.

The two powers of which there had been much discussion in the ten years before independence were not adequately provided for in the Confederation. Congress, the new general govern-

[1] Even the system of admiralty jurisdiction was carried forward through the Articles into the Constitution of the United States.

ment, was not given the right to raise money by taxation, the Articles accepting the principle of requisitions which the colonists as part of the British empire had insisted on. Everybody knows that requisitions proved a failure in the new system, and this fact in a way gave a tardy justice to the arguments of the parliamentarians in the days before the Revolution. It is more surprising, however, that Congress was not given the right to regulate trade, inasmuch as, almost to the last, the colonies had either openly acknowledged parliamentary authority in the matter or openly professed a willingness to acquiesce in the practical exercise of such authority. The failure to grant the authority to Congress shows how particularism had grown, or it discloses an inability to see that the need of imperial regulation of trade was just as vital in the new system as in the old. Because Congress did not possess these two powers, taxation and regulation of commerce, the Confederation proved a failure.

The Confederation might very well, we may suppose, have proved a failure even if Congress had been given these two essential powers. As to that little or nothing need be said; it is a very old story; the states suffered from the natural effects of a Revolution, and, had Congress had

authority on paper, license and particularistic folly might have made it impossible to go on, until the natural reaction in favor of nationalism and order set in. However that may be, these two powers had to be bestowed, conditions proved it; and in the new Constitution Congress was given power to tax for national purposes and to regulate commerce. The principle of federalism was recognized, formulated and legalized in the Constitution; the new government was given its distinct sphere of action and was made the recipient of a body of powers, carefully named and carefully deposited in their proper places; but in the selection and deposition little needed to be done but to follow the practises of the old British colonial system.

The Convention of 1787 had difficulty in seeing the whole complicated scheme as a working mechanism; but how could the members possibly have imagined it at all, or provided for the scheme which in its essentials was the basis of federalism the world over, without the aid of the historical forces and the old practises? Save perhaps with the old troublesome problem of the militia, the military question in the federal state, they had little trouble in determining what should be the distribution and classification of powers. Their chief difficulty was again the old

one—colonial disobedience, which was now state willfulness; and this difficulty was surmounted, as we know, by firm adherence to the principle of distinction between local and general authority, and by recognizing that each governmental authority was competent and supreme within its own sphere and had the legal power to enforce its lawful acts on its own citizens. Perhaps both parts of this principle of cohesion and of authority—of cohesion because of division, and of authority because of immediate operation—were inherited from the old empire; certainly the former one was.

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